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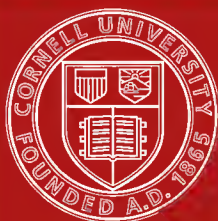
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IMPROVEMENT AND REGULATION OF GRAZING ON THE PUBLIC LANDS OF THE UNITED STATES

HEARINGS

BEFORE THE

COMMITTEE ON THE PUBLIC LANDS

HOUSE OF REPRESENTATIVES

ON

H. R. 19857

MAY 3, 4, 7, 10, AND 29, AND JULY 29, 1912

APPEARING:

SECRETARY OF THE INTERIOR, WALTER L. FISHER,
S. H. COWAN, B. T. TOMLINSON, S. F. POTTER,
GIFFORD PINCHOT, WILLIAM KENT,
AND OTHERS

COMMITTEE ON THE PUBLIC LANDS.

HOUSE OF REPRESENTATIVES.

JOSEPH T. ROBINSON, Arkansas, *Chairman*.

JAMES M. GRAHAM, Illinois.

SCOTT FERRIS, Oklahoma.

EDWARD T. TAYLOR, Colorado.

JACK BEALL, Texas.

ALBERT ESTOPINAL, Louisiana.

S. H. DENT, Jr., Alabama.

JOHN E. RAKER, California.

HORATIO C. CLAYPOOL, Ohio.

WILLIAM F. MURRAY, Massachusetts.

JAMES P. MAHER, New York.

THOMAS L. RUBEY, Missouri.

HENRY GEORGE, Jr., New York.

HARVEY B. FERGUSON, New Mexico.

FRANK W. MONDELL, Wyoming.

ANDREW J. VOLSTEAD, Minnesota.

SYLVESTER C. SMITH, California.

CHARLES N. PRAY, Montana.

DICK T. MORGAN, Oklahoma.

CHARLES E. PICKETT, Iowa.

PETER M. SPEER, Pennsylvania.

JAMES WICKERSHAM (Delegate), Alaska.

GRADY MILLER, Arkansas, *Clerk*.

GRAZING ON THE PUBLIC LANDS.

COMMITTEE ON THE PUBLIC LANDS,
HOUSE OF REPRESENTATIVES,
Friday, May 3, 1912.

The committee met at 10.30 o'clock a. m., Hon. Joseph T. Robinson (chairman) presiding.

The CHAIRMAN. The bill under consideration this morning is H. R. 19857, of Mr. Lever, for the improvement of grazing on the public lands of the United States, and to regulate the same, and for other purposes.

A number of gentlemen are present and desire to be heard concerning this bill. They have arranged their own order of speaking, and it is desired that the hearing be as concise as possible. The bill is as follows:

[H. R. 19857, Sixty-second Congress, second session.]

A BILL For the improvement of grazing on the public lands of the United States, and to regulate the same, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the unreserved, unappropriated public lands of the United States shall be subject to the provisions of this act, and the President of the United States is hereby authorized to establish from time to time, by proclamation, grazing districts upon the unreserved, unappropriated public lands of the United States, conforming to State and county lines so far as practicable, whereupon the Secretary of Agriculture, under rules and regulations prescribed by him, shall execute or cause to be executed the provisions of this act, appoint all officers necessary for the administration and protection of such grazing districts, regulate their use for grazing purposes, protect them from depredation, from injury to the natural forage crop, and from erosion; restore and improve their grazing value through regulation, by the eradication of poisonous plants, and by the extermination of predatory animals and otherwise; eradicate and prevent infectious and contagious diseases injurious to domestic animals; issue permits to graze live stock thereon for periods of not more than ten years, which shall include the right to fence the same, giving preference when practicable to homesteaders and to present occupants of the range who own improved ranches or who have provided water for live stock grazed on the public lands; and charge and collect reasonable fees for such grazing permits, based upon the grazing value of the land in each locality: *Provided*, That for ten years after the passage of this act such charge for grazing shall not exceed four cents per acre nor be less than one-half cent per acre, or the equivalent thereof on a per capita basis, and the Secretary of Agriculture shall revise and reestablish maximum and minimum rates of charge for grazing for each succeeding period of ten years.

SEC. 2. That homestead or other settlement, location, entry, patent, and all other disposal of public lands under the public-land laws shall be in no wise restricted, limited, or abridged hereby; nor shall anything herein be construed to prevent bona fide settlers or residents from grazing their stock used for domestic purposes, as defined under the regulations of the Secretary of Agriculture, on the public lands affected hereby: *Provided*, That after the establishment of any such grazing district no form of location, settlement, or entry thereon shall give a right to grazing privileges on public lands except when made under laws requiring cultivation or agricultural use of the land: *Provided further*, That permits to graze live stock upon land which is subsequently appropriated under any public-land law shall not be affected by such subsequent appropriation, except as to the land actually appropriated, until the end of the current annual grazing period: *Provided further*, That no permit shall be issued which will entitle the permittee to the use of any buildings, corrals, reservoirs, or other improvements owned or controlled by a prior occupant until

he has paid such prior occupant a reasonable pro rata value for the use of such improvements. If the parties interested can not agree, then the amount of such payment shall be determined under rules of the Secretary of Agriculture: *And provided further*, That when buildings, corrals, reservoirs, wells, or other improvements, except fences, shall have been established on any forty-acre tract to the value of more than one hundred dollars, as determined by rules of the Secretary of Agriculture, such forty-acre tract shall not be subject to settlement or appropriation under the public-land laws during the permit period without the consent of the owner of such buildings, corrals, reservoirs, wells, or other improvements.

SEC. 3. That all water on public lands or subject to the jurisdiction of the United States within such grazing districts may be used for milling, mining, domestic, or irrigation purposes under the laws of the State or Territory wherein such grazing districts are situated, or under the laws of the United States and the rules and regulations thereunder.

SEC. 4. That no grazing permits issued under this act shall prohibit settlers, prospectors, and others from entering upon such grazing districts for all proper and lawful purposes, including the use and enjoyment of their rights and property and prospecting, locating, and developing the mineral resources of such districts; and wagon roads or improvements may be constructed thereon in accordance with law, and all persons shall have the right to move live stock from one locality to another within such grazing districts under such restrictions only as are necessary to protect the users of the land which will be driven across.

SEC. 5. That the users of the public lands under the provisions of this act may select a committee of not more than four members from the users of any such grazing district, which committee shall represent the owners of different kinds of stock, and, with the officer appointed by the Secretary of Agriculture in charge of such grazing district, shall constitute an executive board, which shall determine whether the permits for such grazing districts shall be issued upon an acreage or upon a per capita basis, shall make such division of the range between the different kinds of stock as is necessary, and shall decide whether the distribution of the range shall be by individual or community allotments. The executive board shall also determine the total number of animals to be grazed in each grazing district, and shall decide upon the adoption of any special rules to meet local conditions, and shall establish lanes or driveways, and shall prescribe special rules to govern the movement of live stock across the public lands in such districts so as to protect the users of the land in their rights and the right of persons having the necessity to drive across the same. The executive board, after thirty days' notice by publication, shall also determine the preference in the allotment of grazing privileges provided for in section one of this act, and shall, under rules of the Secretary of Agriculture, determine the value of the improvements and the use of the same whenever that may become necessary under the provisions of this act in the administration of the same. Fences, walls, and other improvements may be constructed with the permission of the Government officer in charge, who shall record the ownership and location of such improvements. Any differences between a majority of the executive board and the officer in charge shall be referred to the Secretary of Agriculture and shall be adjusted in the manner prescribed by him. Any interested party shall have the right to appeal from any decision of the board to the Secretary of Agriculture. If the users of the land fail to select the committee as herein provided, the President of the United States shall name such committee from such grazing districts, representing the owners of the different kinds of stock, as above provided.

SEC. 6. That the Secretary of Agriculture shall fix a date which shall not be less than one year from the establishment of any grazing district, and after such date the pasturing of any class of live stock on public land in said grazing districts without a permit, or in violation of the regulations of the Secretary of Agriculture, as herein provided, shall constitute a misdemeanor and shall be punishable by a fine of not less than ten dollars nor more than one thousand dollars, or by imprisonment for not less than ten days nor more than one year, or by both such fine and imprisonment, in the discretion of the court.

SEC. 7. That twenty-five per centum of all moneys received from each grazing district during any fiscal year shall be paid, at the end thereof, by the Secretary of the Treasury to the State or Territory in which said district is situated, to be expended as the State or Territorial legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which the grazing district is situated: *Provided*, That when any grazing district is in more than one State or Territory, or county, the distributive share to each from the proceeds of said district shall be proportional to its area therein. The sum of five hundred thousand dollars is hereby appropriated, to be available until expended, for the payment of expenses necessary to execute the provisions of this act.

SEC. 8. That the President is hereby authorized to modify any proclamation establishing any grazing district, but not oftener than once in five years, to take effect in not less than one year thereafter, and by such modification may reduce the area or change the boundary lines of such grazing district.

I take the liberty of putting into the record a letter from Mr. Gifford Pinchot, addressed to myself as chairman of this committee, which letter bears date April 30, 1912. In this letter Mr. Pinchot discusses at length the provisions of our bill, and defends it.

The letter referred to is as follows:

NATIONAL CONSERVATION ASSOCIATION,
Washington, D. C., April 30, 1912.

HON. JOSEPH T. ROBINSON,
House of Representatives.

MY DEAR JUDGE ROBINSON: Most unfortunately for me, I must be away at the time of the hearings on the grazing bill, and since I can not have the pleasure of appearing before your committee, I must take this means of stating very briefly my views.

The present grazing bill is the result of very careful work and elaborate discussion continued for more than 10 years by representatives of the Government, the homesteaders, and the cattle and sheep men. As finally drawn, this bill is believed to meet the views and safeguard the interests of substantially all who are interested in the proper use and development of the public lands.

The public lands affected by the grazing bill cover more than 300,000,000 acres. Their capacity to produce food has been reduced by overgrazing until over very considerable parts of this enormous area, if not over the whole of it, the carrying capacity of the land has been reduced to one-half of what it formerly was, and under proper management might once more become. Since a very considerable proportion of the meat and wool consumed in the Eastern, Central, and Pacific Coast States is raised on the lands of the Central West, the people of the whole country may properly be said to have a genuine interest in this bill.

No bill of this kind which does not fully safeguard the right of the prospective homesteader to make his home on the public domain should be considered for a moment. The present bill meets this situation fully and satisfactorily. If it did not, I should not be in favor of its passage, for the primary use of the public lands is certainly the making of homes.

Some discussion has arisen as to what department of the Government is best fitted to undertake the work of controlling and improving the public range. A moment's consideration shows that only one department is now ready, or in any reasonable time can be made ready, to undertake this work. Through the Bureau of Animal Industry, the Department of Agriculture has built up a body of experts in the sanitation and use of live stock such as could not be reproduced within a decade. This force is available at very slight additional cost for the important work in its field made the proposed law.

In the Bureau of Plant Industry, the Agricultural Department has another body of experts carefully trained in the whole question of forage plants, plants poisonous to live stock, and the improvement of the range by seeding and by the introduction of new plants available as stock food. This is a most important branch of the problem of range control. Without experts in these lines, successful range control is impossible. The problems of farm management, which are certain to play a large part in the coming transition of the open range to more intensive forms of agriculture, has long occupied the attention of another group of experts in the Bureau of Plant Industry. The adjustment of the range business to irrigation and dry farming, and the solution of the resulting problems can be met by the Department of Agriculture with its present force at but slight increased expense. Mr. F. E. Coville, of the Bureau of Plant Industry, was so far as I know the first member of the Government service to give scientific attention to the problem of range control.

Finally, the Forest Service contains the only group of experts in range management on public lands existing in the United States. The experience the Forest Service has acquired and the personnel it has built up could not be supplied elsewhere for many years and then only by the duplication of an existing force at large and unnecessary expense.

I understand it has been proposed that the scientific part of range control should continue to be treated in the Department of Agriculture, while the practical administration, based on the information thus acquired, should be entrusted to another department. This proposal rests on a complete misunderstanding of the essential

conditions of success in Government work. If any fact about Government organization has been thoroughly established it is the profound unwisdom and impracticability of separating scientific work and its application in this way. The result of such a separation, as is clearly shown by the experience and condition of Government bureaus which have attempted it, is to divorce theory and practice and reduce the efficiency of the whole work. Under such a separation the scientific work loses touch with real problems and becomes merely theoretical, while the practical work loses the spirit of progress and falls into colorless routine. There is no more certain way to destroy the efficiency of a Government bureau than to separate the scientific work from its application in practice.

In this letter I have given more attention to the method of carrying out the provisions of the grazing bill than to the necessity for the bill itself. The latter seems to be so clear and will be so clearly set before you at the hearings that it seems unnecessary to repeat the arguments here. If the grazing bill passes, it will settle and settle right one of the two or three most urgent problems which confront us concerning the right use of the public lands.

Very sincerely, yours,

GIFFORD PINCHOT.

The CHAIRMAN. I am also in receipt of a telegram from Gov. John M. Carey, of Wyoming, strongly indorsing the bill.

The telegram referred to is as follows:

CHEYENNE, WYO., May 2, 1912.

Hon. J. T. ROBINSON, M. C., *Washington, D. C.:*

Have examined bill known as the Lever and La Follette bill for the leasing of public lands for grazing purposes. It is a splendid measure and would be of untold benefit to this State and other Rocky Mountain States. I have examined it critically. It is fair and its just administration would work no hardships to anyone. I am heartily in favor of its becoming a law. If I had the time I should like to appear before your committee as one of its advocates. If such a law had been in operation this last winter, there would have been millions of dollars' worth of live stock saved in the Rocky Mountain States that perished from the severe storms for want of sufficient feed.

JOHN M. CAREY, *Governor of Wyoming.*

The CHAIRMAN. I also have another telegram from Dwight B. Heard, vice president of the American National Live Stock Association; James A. Johnson, president Arizona Cattle Growers' Association; F. A. Reid, of the executive committee of the Coconino Cattle Growers' Association.

The telegram referred to is as follows:

PHOENIX, ARIZ., April 30, 1912.

J. T. ROBINSON,
*Chairman Committee on Public Lands,
House of Representatives, Washington, D. C.:*

On behalf of the organized stock growers of this State, we earnestly request your favorable action on House bill 19857, providing for the regulation of grazing on the public lands in the United States. We are firmly convinced that control of the public grazing lands as provided in this measure will not only be of great practical advantage to the stockmen using the range, but by preventing the present overgrazing will eventually greatly increase the carrying capacity of the range. We thoroughly recognize that the best interest of any section is promoted by the creation of new homes, and believe that by the full protection given the homesteader by this measure, legitimate home making is thoroughly encouraged. We should infinitely prefer under protected grazing as suggested in this bill to pay a reasonable fee for the use of the range than to have the present conditions of free grazing continued. The passage of this measure will encourage stockmen to develop more permanent water supply, give better attention to breeding their stock, and will, we believe, substitute cooperation among the occupants of the range for the friction which now so often exists.

DWIGHT B. HEARD,
Vice President American National Live Stock Association.

JAS. A. JOHNSON,
President Arizona Cattle Growers' Association.

F. A. REID,
Of the Executive Committee Coconino Cattle Growers' Association.

The CHAIRMAN. Gentlemen who address the committee will please state whom they represent, and in what capacity they appear. Who desires to be heard first?

**STATEMENT OF S. H. COWAN, ESQ., OF FORT WORTH, TEX.,
REPRESENTING THE AMERICAN NATIONAL LIVE STOCK
ASSOCIATION.**

Mr. COWAN. Mr. Chairman and gentlemen of the committee, I appear as attorney for the American National Live Stock Association, which has headquarters at Denver, and am attorney for the Cattle Raisers' Association of Texas, which is a representative association of live-stock raisers, large and small. The American National is practically composed of smaller organizations, local and State, and the Cattle Raisers' Association of Texas is a part of the American National Live Stock Association.

The Cattle Raisers' Association of Texas is not confined to that State, but the membership extends to New Mexico, Arizona, Oklahoma, Kansas, and Colorado, and various other Northwestern States. In fact, wherever cattle raisers are engaged in the business a great many of them belong to the Cattle Raisers' Association of Texas—even as far west as California, and it operates in the Southern States and in the Territories. The American National Live Stock Association is composed principally of live-stock organizations west of the Missouri River. Mr. Tomlinson, who is here, can state definitely on that subject. I am attorney for both associations, and have been for a number of years.

During all this time the leasing of public lands on the range has been a subject of controversy, discussion, and careful consideration by stock raisers all over the entire West, which fact is well known to every member of this committee who is from the West and probably well known to every member of the committee, just because he has been on this committee.

This bill, in behalf of which I appear, is not precisely a bill for leasing the public lands; it is a bill to provide for the issuing of permits for the grazing of public lands and gives to the permittee really the exclusive control of that part of the land designated to him, for which he may pay either by the acre or by the head, depending upon the decision of the board provided for in this bill in each grazing district. I appear more for the purpose of advocating some permit system, whether it be in the precise terms of this bill or not, of leasing the public lands of the United States.

The CHAIRMAN. Are the provisions of this bill objectionable to you?

Mr. COWAN. No, sir. The provisions of this bill have received careful consideration by the executive committee of the American National Live Stock Association at several of its meetings (these people being men who have been long engaged in the cattle business and some of them in the sheep business) in connection with the Forest Bureau and representatives of the Agricultural Department and is the result of the joint action on the part of the Government officials and the representatives connected with the range and the use of the public lands, and the people in the cattle business and to some extent the sheep business who use the public lands.

Mr. RAKER. Did the stock associations assist in preparing this bill?

Mr. COWAN. Yes, sir. Mr. Tomlinson can give you the details of the men who are personally engaged in endeavoring to perfect, as nearly as they could, a method whereby the leasing would be under the control of those who use and ought to have the use of the public lands, who live in the vicinity and who must use it—to provide a method of local control that would make it as near a home-rule proposition as they could devise, without making any provision in it which would give to anyone a preference. But it gives the use to the entire representatives of the live-stock interests, without regard to whether they are cattlemen, sheep men, or raising horses—there are not many hogs raised in the western country, but they would be in it, too—and it gives to all the users the power to select the local committee to determine such preferences as ought to be given, and the terms of the permits, because those men, without question, are the men to determine the kind of live stock to be grazed in order to conserve the public lands.

I am not going into the details of the bill, but will point out its provisions, for the purpose of the record, in the outset, before I reach the point of what I have to say regarding the principle of leasing the public land, or putting it in private control either by leasing the range or leasing the land itself. I am not particular about the method. This bill applies to the unreserved, unappropriated public lands and empowers the President of the United States to designate and establish what are called grazing districts to conform, as far as practicable, to the State and county lines and placing the control of the grazing and the protection and supervision thereof in the Secretary of Agriculture. The reason for that lay in the fact that the forest reserves are under the control of the Agricultural Department. They are interspersed and surrounded by the public lands, which would fall under the terms "unappropriated unreserved public lands;" and, in fact, the two classes of lands are now used and must always be used largely in connection with one another. It is impossible to segregate properly, and at least judiciously, the use of the one from the use of the other, and we ought not to have two sets of control, the one of the forest reserves and the other of the public grazing lands which lie adjacent to the forest reserves.

It limits the privilege of the permits that may be granted to 10 years. It requires that preference be given to the present occupants of the public land, using it for grazing, and persons who have improvements and who have provided the facilities for the running of live stock (as I will use that common expression) on the public land, although those facilities may not be on the public lands and generally are on private lands. The law, of course, can not require just to what extent preferences shall be given, but it requires that preferences be given. It limits the charge that is to be made by the Government for the use of the land—if by the acre to a maximum of 4 cents and a minimum of one-half cent. The bill specifically provides that it does not interfere with the acquisition of title to land under any of the public land laws of the United States, except that if the permit holder makes improvements on the land other than fencing, which are worth a hundred dollars on any 40 acres, that 40 acres is not subject to be taken under the public land laws of the

United States for the purpose of acquiring grazing privileges, but shall not interfere with the taking of it for mining purposes during the term of the permit unless the person putting the improvements upon the land has not been paid for them. If he has been paid for them, the land may be taken then. The acquisition for mineral or for other than agricultural purposes of the title does not give the right of grazing to the person acquiring the title for other than agricultural purposes. Of course, by "agricultural purposes" is meant the acquisition of it for any other purpose than mining or certain other forms of acquiring title. The person acquiring a mining claim would have a right to take up the privilege of grazing from the permit holder, but it prevents the turning over of the improvements without compensation to some other person securing a permit of that character. The waters are reserved for the same uses to which they may now be applied under the law. That was an unnecessary provision, because that would be the case without its being put in here. The right to prospect, to go upon the land for the purpose of acquisition, to drive live stock, are also provided for in the bill; but need not have been provided, because that would be the law any way.

The control and distribution of the permits, the character of the same, the preferences, and all of the matters pertaining to the local administration of this bill is placed in a district committee selected by the stockmen of each grazing district, and if they fail to select such a committee, the President is authorized to appoint such a committee who, in connection with the representatives of the Agricultural Department in that grazing district, will have control of the local affairs. And, in case of disagreement between the local committee of the stockmen and the officer of the Government in charge, it may be referred (any person interested in the matter has a right to refer it) to the Secretary of Agriculture to determine it; but it takes away from the department as much control as is at all consistent with the theory of any department of the Government controlling the public lands and puts it in the stock raisers, engaged in any sort of stock raising, through a committee which they appoint in the grazing district, as designated by the President of the United States; and if they fail to appoint such a committee, the President will appoint a committee. The local officer in charge represents the Government and carries out, first, the provisions of the law; second, the rules of the Department of Agriculture; and third, the local rules made by the committee of which I have spoken. In order to put the country in any grazing district entirely within the control of the Government, it is provided that after one year, following the first establishment of the grazing district, it will be unlawful to graze the public lands without a permit.

Mr. FERGUSON. Whether leased or not?

Mr. COWAN. Whether leased or not; otherwise there would be a discrimination as between localities in case persons in one grazing district wanted to use the land without paying for its use. One of the objects of the bill, and the leading object, is the public conservation of the range. The funds derived from the payments made are to be appropriated, first, one-fourth of the gross receipts, as I recall the provisions of the bill, to the improvement of the public roads and schools in the district where these lands are located, to be, however, turned over to the State, and the State to determine the character of

the appropriation, provided it goes to the public roads and public schools.

Those are the substantial provisions of the bill. Now, without attempting to argue whether that sort of a bill, whether that character of control is a proper one, I wish to devote a few minutes to the subject of the necessity for the public benefit and the economic proposition of some form of private control of the grazing of the public lands of the United States. I am well aware and well acquainted with, as my friend Mr. Mondell knows, the controversy that has been waged for a long time between those that desire that sort of law and those who do not. I do not wish to take issue, further than on the principles of the proposition, with the gentlemen on the other side. The experience of the cattle raisers in my State, in the leasing of the public lands of the State of Texas, is an experience to which anyone, desiring to inform himself and utilize that intelligence which men gather from the experience of others, can well look to.

Mr. RAKER. How much public land have you in Texas?

Mr. COWAN. We have not much now.

Mr. RAKER. Approximately?

Mr. COWAN. I could not tell you, but we have a good many millions of acres, so far as that is concerned; I suppose it is close on to 10,000,000 acres to-day. If you will take the map of Texas and look over to the corner near Oklahoma you will find the one hundredth meridian splitting the State half in two, east and west. Along in the eighties, Gov. O. M. Roberts said that all the land west of the one hundredth meridian would never be fit for farming. There is a great deal of public-school and other lands east of the one hundredth meridian which are unused and unutilized except on the public range. In the early eighties (and I have lived in that country for many years and know a great deal of what the State did) the question of free grass became the political question of Texas. Judge Smith here, who lived there at that time and lost his hair in that country (laughter) knows all about it; he was district judge there at that time. The man on the range did not want to pay for the use of it. The people in the eastern part of the State wanted funds for the schools, and the result was that they provided for a leasing law, and at first fixed the price too high. They fixed it at 6 cents, but later cut it down. I will not go into the details of that matter, but the whole scheme was to lease the land in order to give to men the private control of the public lands; and that land was always subject to sale. There has never been any difficulty; there has never been a single instance that I personally know of, nor one that I can recall, where there was any serious trouble arising out of the homesteader purchasing a section, or two sections, when we had the two-section law, or four sections when we had the four-section law, or eight sections when we had the eight-section law—there never has been any trouble in any man purchasing and occupying that land, except when it arose because of some one stealing cattle. Judge Smith was the district judge all over that country for many years, and he will bear me out in what I say. Therefore I say that the objections made to the proposition of leasing the public land, that it will interfere with the homestead scheme and settlement of the country, generally are not well founded. It is a mistake. I know it is an honest mistake.

(Brother Mondell is just as honest as I am, but I do not know how he stands on that subject.)

It is a grave mistake that the Government does not sell enough land to enable a man to graze his cattle and pay the taxes. The Texas people had sense enough to do that, and we think we did it. We have fenced and settled and dug wells all over that vast area of country there, taking in 75,000,000 acres, I guess, of public land. The result is we have many wells where we are pumping water 500 feet.

We have now reached a point in the United States where we are just producing enough cattle to supply this country, and we have to produce it on high-priced lands. Some of our panhandle lands were sold to the Capitol Syndicate at a dollar an acre for over 3,000,000 acres of land. That land that has been resold to your people in Iowa, Michigan, Wisconsin, and Illinois many of them bought at \$15 an acre. Many acres of land are worth less than that; but at \$5 an acre, when you consider it takes 20 acres at least for one head of cattle, it naturally means if you buy acres enough to support your cattle, you will have \$100 invested for every animal, and then when you raise the animal, you have got to keep it from two to three or four years, and if you hold it to sell, you want a place to fatten it on, and you can't produce the feed on that ground. They are fattened in the cotton district on cottonseed meal, and in the panhandle with alfalfa, and in the corn belt on corn, but in any case you can't fatten them and put them on the market at less than 6 cents and make wages, and then you have to count 5 per cent interest on the amount invested. That is the fact to-day. Talk about cheap meat: It is perfectly impossible for us now to increase the beef cattle in the United States except we can utilize the cheap lands of the United States, and the only lands that are cheap, when it comes to grazing cattle, are the public lands. To carry on an established business of breeding cattle requires the acquisition of bulls, it requires three years at least to produce a 3-year old steer, it requires corrals, fencing, and a water establishment, and it can not be carried on unless the man doing the business sees that he has control of the place to do the business at. To conduct a successful and permanent cattle business and to carry it on on the public lands a man has got to get his establishment and land under control, which enables him to do it; but if so many people come in, the people will crowd one another in the business, and if they eat the grass out, they can not preserve nor conserve it like a man with an established business would otherwise do.

Mr. RAKER. How can you get cheaper beef by paying rent on the land for pasturage, when you do not have to pay it now?

Mr. COWAN. Because if you buy the land where it can be bought, in a country where it can be bought, and graze your cattle on that, you have got an investment of at least \$100 a steer. You have your interest on that at 6 per cent, which is 6 cents on the dollar a year; but you pay for your lease at 4 cents an acre, or 80 cents an acre for each head of cattle. That is the difference.

Mr. RAKER. I know; but you are using the ranges without paying even 4 cents, and how would you raise cheaper beef upon them if you had to pay for the grazing?

Mr. COWAN. I was just trying to explain that the reason of it lies in the fact that to-day you have destroyed the permanency of the business, because the lands are for anybody's use.

The CHAIRMAN. In other words, the range would be destroyed in a little while, according to your theory?

Mr. COWAN. It not only destroys the range, but it keeps men from going into the business where they otherwise would do it. If he could acquire 10,000 or 50,000 acres and if he could get that for 10 years, he could depend on that and put a fence on it and raise cattle.

Mr. RAKER. In other words, it reduces the number of men engaged in the stock business?

Mr. COWAN. Oh, no. It would increase the number of men and would increase the number of live stock materially, because it would conserve the range and make the business permanent, whereas to-day there are very few cattle bred on the public range. I am not confining it to forest reserves, or to certain localities where, by reason of the local situation, streams, and one thing and another, the ownership of private lands interspersed with public lands, the people are enabled to use public lands. As far as the permanent breeding feature is concerned, they can not carry the business on on strictly public lands, because they are not allowed to fence under the law. Of course, if they were allowed to fence and had the control of it, that would be a different thing; but as it is, that is not permitted.

Now, I believe if you are going to increase the cattle of the country for beef purposes you have got to do two things: You have got to put the public grazing lands of the country under private control (it ought to be done equitably and fairly between the different live-stock interests, of course), but it ought to be put under private control to encourage these people to establish the business of breeding. They can not breed cattle and make any money out of it on high-priced lands, and now if they could only get enough public lands outside of the forest reserves it could be utilized chiefly for the purpose of breeding.

The cattle industry in my State is interested in this way: In the first place, we have a number of people living in Texas and to the west of Texas in Arizona, Oklahoma, and Colorado, and all above the quarantine line in Texas the young steers are sent to the great Northwest for the purpose of grazing and finishing their growth. Those steers ultimately find their way to the Missouri River markets and are sold to the corn-belt feeders. But that supply is getting behind, and while we used to ship 400,000 head of cattle from the Panhandle to the Northwestern Range States, I do not believe this year we will ship 100,000 two-year-old steers, because the country is settling up and the lands are becoming too high, and no man is coming in there for the purpose of using the land to range on. The lands are all being cut up and are becoming valuable. The lands of southwest Texas formerly sold for \$2 an acre which now sell for \$15 to \$20, and where they discovered artesian water that land sells for \$40 an acre. The result is that we are only producing enough cattle to furnish the beef for this country. I had occasion to go through the records and see what was imported last year. We imported 250,000 head of cattle and exported 267,000 in the form of fresh beef, dried beef, and pickled beef and other beef, computed in heads of cattle, and the difference between exports and imports was 17,000 head. This year I am satisfied that our exports will not exceed our imports.

The result is that we must utilize to the best advantage the public range, by putting it under private control. I do not care whether

it is done by this bill or some other, but I do believe that every man who desires to conserve the public land, and every man who desires to encourage the great live-stock interests of this country, will agree that we ought to encourage breeding where the breeding can be done most cheaply; and the use of the public land for the purpose of feeding beef is an economic proposition worth any man's consideration. Of course, if it does not result in the production of more cattle, in the conservation of the range, in the improvement of the country so men can come into it and live on it, as has been the case in Texas, then it would be a failure. My own experience, however, has been that leasing the land and putting it under private control does not interfere with the settlement of the country, but encourages the settlement. And I make the assertion, which I believe Judge Smith will bear out, that west of the Pecos River in Texas is quite a large country, and by the method of leasing and selling eight sections to a man, and by the method of leasing that land for 10 years, we have developed and fenced practically the entire country. We have developed the private lands, and we have built railroads, I know in my section and every other section.

The school lands have been sold at \$2 an acre, and many of them to-day sell for more than \$2 an acre, which were only worth 50 cents 15 years ago, and the country has become developed and I think ten times as many people and ten times as many cattle are in that country as there were 15 years ago. Now, my figures might not be exactly correct, but they are illustrative. So we feel from that experience and observation in the cattle country of Texas that most of the public grazing lands of the United States if handled in precisely the same way will be benefited and the homestead land will be benefited and protected, because the people will have a method of making a living, and the whole country will be benefited in a way it never will be unless the Government gives private control to the parties grazing on the public lands of the United States.

MR. MONDELL. Judge, you have referred to the Texas policy and have assured us that it has worked out well. That has been my understanding. The Texas grazing policy, as I understand it, was the policy of temporary leasing, having in view an early disposition to the lessees or to homesteaders and purchasers.

MR. COWAN. The property was always subject to sale, except in certain districts, where they could not lease unless they gave a long enough time to develop the water.

MR. MONDELL. Texas will provide a person as many as eight sections?

MR. COWAN. That is west of the Pecos River. That law was passed, I think, in about 1897.

MR. MONDELL. In other words, that was intended to be a temporary leasing, looking to the sale and disposition?

MR. COWAN. Oh, yes; we have always been anxious to settle our country.

MR. MONDELL. And that worked well?

MR. COWAN. Yes.

MR. MONDELL. I do not see in this bill you have been discussing, in line with the Texas system, that it looks to any sale or ultimate disposition of the land other than under a leasing law.

Mr. COWAN. Well, the trouble about that, Mr. Mondell, lies in the fact that the Government of the United States, sitting here at Washington, has never acted with much judgment in offering an inducement to the people to buy land, because they have not offered enough for a man to live on, as you well know, in most of the agricultural country.

Mr. MONDELL. Of course, what the Government does here is at least to reflect the desires of the people.

Mr. COWAN. I do not think so.

Mr. MONDELL. Is that due partly to the fact that it has been an effort in the direction of urging these sales?

Mr. COWAN. No; we did not urge it in Texas. We sold the land on 40 years' time, at 3 per cent interest. The urging lay in that fact. Here is our land, and here is the law, should you wish to buy it, and the lease does not interfere with the purchase, and we sell enough for a man to make a living on.

Mr. MONDELL. Yes; but you base your argument on the general leasing proposition, as I understand, largely on the experience of Texas.

Mr. COWAN. Well, I point to that example.

Mr. MONDELL. But it seems to me that what is proposed is not at all in line with the Texas policy. The legislation proposed would seem to contemplate a permanent leasing system, except as a homesteader, under the rather difficult conditions of the homestead law, might come in and secure a foothold.

Mr. COWAN. It does not attempt to provide a plan for the sale and disposition of public lands. It only attempts to provide for the use of it until it is sold. But whatever law Congress might pass as to the sale of lands need not be interfered with by the provisions of this, should Congress pass this law.

Mr. MONDELL. Certainly not; but my thought was, if you had in mind the Texas policy, would it not be well to urge with this leasing policy a system of seeking sales.

Mr. COWAN. At present, sir, I can not urge that. In fact, practically all of this cheap land can not be used for any other purpose than grazing, except where it is irrigable. The Government won't sell a man enough land to make a living on in that locality, and it seems to me perfectly foolish.

Mr. MONDELL. I want a temporary leasing policy looking to the disposition of the land, and would be very much inclined to oppose a plan which it seems to me contemplates the permanent Government ownership.

Mr. COWAN. Mr. Mondell, the leasing of the public lands pending the purchase by anybody who wants to buy under reasonable conditions, of course having regard to the rights of the lessee, produces the improvement of the public land and puts the water on it and develops it so you can make a living on it, and puts it where the people will come and buy it. The leasing system puts the people on there who are willing to pay the taxes and settle up the country.

Mr. MONDELL. You do not urge, in connection with your leasing, what would seem to be the other important feature of the Texas law, as to the provision for sale.

Mr. COWAN. As a citizen, Mr. Mondell, I would urge and I have advocated that always. I have made a good many speeches at

Denver and other places on this subject, in which I have advocated that it ought to be done; but so far as I am concerned here I am only representing an association to present the bill. This bill if passed would encourage the development of the land and induce the ultimate purchase; but the land laws of the United States with regard to the disposing of the grazing lands are so inadequate and would not induce people to buy, because a man can not make a living on 160 acres of land up there.

Mr. MONDELL. Judge, does it appear to you that while that is your view of it, most of the people who are urging leasing land are with equal vigor insisting there shall be no sale legislation?

Mr. COWAN. I do not think that. It is not the case with our association and the people represented by our association. We had that discussed (Gov. Carey, one of the men from your State, and Mr. Underwood, also from Wyoming, and Mr. Jastro, of California, and people of Montana and elsewhere), and every man of them, so far as I know, did nothing to indicate he did not want a settlement of the country. Every one of them wants a settlement of the country and is not opposed to the settlement. They are not opposed to the little man; they are in favor of giving everyone a fair show; but they are in favor of having the control of the public lands in somebody rather than nobody. That is the expressed opinion of those gentlemen, and I think it is perfectly honest.

Mr. MONDELL. I think there is no question about that. Mr. Underwood—you mentioned his name—is favorable, as I understand, to a leasing system looking to the sale and looking to the ultimate disposition of the land.

Mr. COWAN. So is Gov. Carey, the same way.

Mr. MONDELL. I do not know about Gov. Carey.

Mr. COWAN. I think that was advocated by every member of the committee—of the executive committee of the American National Live Stock Association. I know I argued it very generally, and Mr. McKenzie pointed to the instance of Texas, where the land sold right in pastures.

Mr. MONDELL. But as this matter comes to the committee ordinarily, it comes as a demand for leasing legislation, coupled with that legislation not to part with title at any time.

Mr. COWAN. That is not our position, and it ought not to be the position of any well-informed, good citizen of the West, as you know, Mr. Mondell. And the committee can inform itself, and it will find out from the experience in the leasing of the Indian reservations and in the leasing of the railroad lands how it is, when men get private control of the lands, that that is the foundation of business. That induces others to come out and buy, and make entry on that land. But they ought to have enough land to make a living on, and the Government only offers 160 acres; and they can not do it.

The CHAIRMAN. You referred a while ago to the policy of selling lands enough to make a living on. What limitation would you place on the area of grazing lands to be sold?

Mr. COWAN. I would not be very strict about it. West of the Pecos River we sold 8 sections. We sold 4 sections in certain other districts of the State, running along the eastern boundary of Mexico, and 2 sections and 1 section in other portions of the State.

The CHAIRMAN. Is not this also true, in connection with being in haste to sell the grazing land, that land of this character is becoming more valuable and useful for other purposes than grazing, and it is of grave doubt, so far as the public interest is concerned, whether we ought to be in haste about disposing of lands of this character?

Mr. COWAN. Well, answering your question, Mr. Chairman, from experience, when we passed the Texas land law the friends of a land law of any sort were afraid to sell lands in large tracts. We granted 3,000,000 acres to the Capital Syndicate, and just as soon as the land became valuable enough (the bonds were owned mostly by the English people), just as soon as the lands became of sufficient value to be fit for agriculture, what did the syndicate do? It sold the land to people coming down there and buying small tracts.

The CHAIRMAN. In that case the syndicate took advantage of the increase in value which had been brought about by the progress of science, just as in this case the syndicate would again get the increase in value.

Mr. COWAN. Why should not the men have that? Here is what the syndicate did: The Capital Syndicate never in the end paid a net dividend. The lands advanced, but it is supposed it cost them over \$3,000,000 to build the capitol of Texas. They got 3,000,000 acres; they fenced the land, divided it up, and carried on business there for many years—25 years—and sold the land mostly at \$2 to \$2.25 an acre. The present owners wanted the land for grazing purposes, and some of the cattlemen looked far ahead and bought big tracts of it, and they are the ones who got the real rise in price. It is worth while to think of the point that when you put the individual behind the development of the country, when that land becomes too valuable for use as grazing land, it is going to hasten the sale of it for farm purposes—exactly what happened all over the State of Texas.

Mr. RAKER. As I observe the purpose of this bill, one of its effects would be to keep out the small cattle raisers or farmers that now have land adjacent to the public domain.

Mr. COWAN. Not at all; it gives him a preference.

Mr. RAKER. What kind of a preference?

Mr. COWAN. To be decided by the board. It gives him a preference in lands allotted to him for his use. That was thoroughly discussed, and I will point to the language now: Every man at the conference, in connection with the preparation of this bill, intended that when the President designated a grazing district, the board located in that district would determine what acreage, or if it be by the head, how many head each man already there was entitled to as a preference, and they would decide it for themselves; and give him a preference rather than cut him out.

Mr. MONDELL. Unless he leases or gets a permit from this board, he is not permitted to allow any of his stock to run upon the public range.

Mr. COWAN. For a year's time.

Mr. MONDELL. Then your contention is that the small cattle raiser, who owns a ranch of from 160 to 320 acres of land, having his permit, so that he can keep them there in the winter and put them out on the ranges in the summer, as it is now, has not an advantage in the raising of stock, but the advantage would be to put it in the

hands of the large cattle owner, so that he might have a chance to have large tracts of land fenced.

Mr. COWAN. Oh, no. I have not made such a contention, and I have made no statement that would justify that inference.

Mr. MONDELL. I did not draw an inference; I simply asked a question and I asked you to explain it.

Mr. COWAN. I am not saying you did, but I simply say that sort of an inference can not be drawn from what I said. The point in the bill is to preserve that.

Mr. MONDELL. Take it in Oregon, Nevada, and California. Here we find a ranch 100 miles back in the hills, and then in the valleys their cattle are running in the summer. They take that range and use it. How are you going to conserve that range? How are you going to benefit them by making them pay for the land?

Mr. COWAN. You know that one man can not get any greater right than anybody else could on this outside range; but the trouble is that too many people desire to graze this outside range.

Mr. MONDELL. You know the killing trouble that has grown out of that matter within the last 10 years?

Mr. COWAN. That sort of thing is due to the fact that nobody has got lawful control. It substantiates what I say that no one has any lawful control, and that, as a result, there have been a number of killings between the sheepmen and the cattlemen, with which we are all somewhat acquainted.

Mr. VOLSTEAD. Is there not a spirit of lawlessness, to kill off people who attempt to take a homestead, instead of to kill those who want the land for pasture?

Mr. COWAN. I think not.

Mr. VOLSTEAD. Would not that be natural?

Mr. COWAN. Not at all. There never has been a case; experience shows that.

Mr. RAKER. I do not want to take any time, but this matter, to my mind, is of such importance, that I think we ought to get the full light on the situation. Do you know of any place now where the cattlemen are having difficulty, as you suggest, with the farmers on the small ranches who have 100 to 150, and some of them 300 head of cattle, using the range? Are they having any difficulty?

Mr. COWAN. I am not personally sufficiently familiar with that matter to answer your question.

Mr. RAKER. The same way with the horsemen. Have you had any difficulty between them and the cattlemen?

Mr. COWAN. It would not be possible for me to answer those questions. The only answer that I can give you is that I am not personally acquainted with the situation at any place where they are having trouble, so far as trouble is concerned.

Mr. RAKER. You say there always has been, and will be to some extent, difficulty between the cattlemen and the horsemen and the sheepmen?

Mr. COWAN. Wherever a fellow wanted to use the public lands, and is using them, and another fellow comes in, that produces trouble, and always will.

Mr. RAKER. Don't you find some feeling, and strong feeling, between sheepmen and cattle and horse men, as to national forests?

Is there not a deep-seated feeling between those people now, and both organizations are trying to get the department to put one or the other out?

Mr. COWAN. To a large extent that has been the case, so I have been informed. I think that has simmered down a good deal; at least, that is my information. Mr. Potter, in charge of the Forest Service, is here, and Mr. Tomlinson is here, and these gentlemen have been out there and know the details of all this thing, and it would not be well for me to try to answer without information.

Mr. RAKER. You are arguing that you can raise more cattle and put the cattle business in a better condition by having this advantage of holding in a few hands, rather than permit the farmer now living in this country to use the public domain until it is taken up by the homesteader and put under private ownership?

Mr. COWAN. I have not announced that policy, and I want to emphasize before this committee—

Mr. RAKER. Does not the bill provide for that?

Mr. COWAN. No, sir. I want to emphasize the fact, as part of my statement to this committee, that neither in the bill, nor in the discussions of the gentlemen who participated in drawing the bill, nor in my statement, is there intentionally anything that I said that it would give to one man an advantage that does not equally flow to another. It does not favor the large man as against the small man, but it gives the small man a preference, as the majority in the grazing districts may determine.

Mr. VOLSTEAD. Would not this be involved in consequence of the section in the bill here giving the stockmen authority to parcel out the domain among themselves; would they not shut off the small ones on the outside or open it to those on the inside?

Mr. COWAN. How could they do it, when the majority elect the board?

Mr. VOLSTEAD. On what do you base your contention that the ranges now are overstocked, but this would remedy that condition?

Mr. COWAN. To answer that question. I could only give my opinion about it. My opinion is that the range to-day is not fully stocked. It is not only not overstocked, but it is not fully stocked; but the present method of permitting grazing destroys the usefulness and prevents a full stocking of the range. For example, I think eastern Colorado—take the country there down below Trinidad. I was told a few days ago by a man owning sheep there that he was entirely wiped out last winter and lost everything he had in the world. Why? For the reason that the range had been grazed out in the summer and the extraordinary snows came in the winter; whereas if the country had been protected, the man could have utilized it and could have lived and protected his flocks. The men adjoining those pastures did live, while those on the open range lost everything they had.

Mr. RAKER. Is it not a fact that for 25 years your stock have grazed there all winter, and if it had not been for the sheepmen you would have been provided with grass without any difficulty?

Mr. COWAN. That has happened, of course, many times and always will, under nomadic grazing.

Mr. TAYLOR. Was it not true that last winter (I know it was in Colorado; I do not know what it was in Texas) was the worst winter we have had in 30 years?

Mr. COWAN. The worst I know of.

Mr. TAYLOR. And the sheepmen and cattlemen could not anticipate the kind of a winter we had last winter?

Mr. COWAN. But the men who had their range fenced, for instance, they had their provisions made for it, and they were able to take care of their stock and ship in feed and feed them; whereas the men with the open range could not do it. I therefore say, in my opinion, that if this committee will investigate, it will find they are not only not overstocked, but not fully stocked; and if provident provision be made, they will be able to produce a third more cattle than are to-day bred in the public-range States.

Mr. RAKER. What are you going to do in the places where they have snow?

Mr. COWAN. Oh, well, you can not prohibit snow.

Mr. RAKER. I realize you could not prohibit snow; but you must realize that in southern Oregon and Nevada and Northern California we have splendid ranches, and snow comes, and unless they have a haystack they have to buy their feed.

Mr. COWAN. I know they buy it. I beg your pardon; that was only a jocular remark.

Mr. RAKER. I understand.

Mr. COWAN. But in our country, before we had fences, in the days of free grass, in the winter of 1884 and 1885, cattle drifted off by the hundreds of thousands from the northern panhandle clear across the Pecos River, and those cattle were found dead on the Pecos River, and that was a winter not as bad as this one. But this winter, because they had their fences, they were able to provide feed, and they are looking after their stock.

And it is worth while considering the matter of conserving the productiveness of this country by putting into the private control of men enough land so that they can carry on their business and provide themselves against those accidents of which I have just been speaking.

Mr. MONDELL. It is your opinion, as I understand it, that a limited provision of the sale of the ranges would be wise at this time?

Mr. COWAN. That is my personal judgment, Mr. Mondell. I was district surveyor for many years—25 or 30 years ago—in that western country, and I surveyed the lines and have been all over it, and that is my judgment.

Mr. MONDELL. And if we had that judgment confirmed by the Secretary of the Interior, for example, that it would be wise to develop certain areas of the grazing lands, we would be perfectly safe in selling such lands without any possibility of their ever being needed for any other purpose than for grazing?

Mr. COWAN. Undoubtedly.

STATEMENT OF MR. T. W. TOMLINSON, SECRETARY OF THE AMERICAN NATIONAL LIVE STOCK ASSOCIATION, OF DENVER, COLO.

Mr. TOMLINSON. In further answer to Judge Raker's question to Judge Cowan as to whether under Government or Federal control of the open range there would be more stock produced than under the present free range condition, I desire to refer you and the committee to a document published by the University of Arizona, entitled

"Bulletin No. 65, The Grazing Ranges of Arizona," published in Tucson, September, 1910. This pamphlet was written by Mr. J. J. Thornber, a very careful and eminent man in his line of business, and I will read just a few sentences from the introduction.

Mr. MONDELL. Who is Mr. Thornber?

Mr. TOMLINSON. Mr. Thornber is the botanist of the University of Arizona Agricultural Experiment Station. The pamphlet which I hold is exhaustive. It is encyclopedic on the question of grazing, and the necessity of some Federal control of the open range. I desire to read just the opening sentence, as it will give you some idea of the character of the pamphlet. The preface to the pamphlet is signed by R. H. Forbes, who is the director and chemist. It is as follows:

In superficial extent Arizona's largest agricultural problem is and always will be her grazing ranges. These vast areas of unimproved country are capable of large and permanent production in cattle, sheep, goats, and horses, if they but receive proper administrative care.

Following the destructive utilization of our grazing resources for the last 40 years, under the ruinous free-range régime, public opinion throughout the western United States now calls for laws adequate to the control, restoration, and beneficial use of approximately 400,000,000 acres of range country. This publication, the fruits of some 10 years' study, is in the main a contribution to that scientific knowledge of the subject which must underlie intelligent range management in our own Southwest. The administrative suggestions corollary thereto are of more or less application everywhere.

With the permission of the committee I will put in the record certain extracts from the pamphlet, if it will not too much burden your report.

The CHAIRMAN. What would be the volume of the extracts?

Mr. TOMLINSON. Not over two or three pages at the outside.

The CHAIRMAN. That will be all right.

Mr. TOMLINSON. There is just one other which I wish to read in this connection. It appears on page 341 of this document:

It is a most significant fact that free or open range grazing has failed utterly wherever tried. The conditions as just described occur over much of the southwestern country as a result of 30 years of free grazing, and they are not overdrawn. They stand out sharply as a noteworthy example of the bad effects of grazing on the public lands without Government or State supervision, and they represent the partial ruination, to say the least, of a country that is preeminently adapted to the stock-raising industry.

I quote these extracts for the purpose of showing that Mr. Thornber and the other parties making this experiment in Arizona arrived at the conclusion that under some system of Federal or private control of the range it could be so rejuvenated that its carrying capacity would be largely increased. That is my personal belief and is the belief of all intelligent stockmen with whom I have discussed the question, and I think it represents the general consensus of opinion of most stockmen.

Mr. RAKER. Will you permit a question there? Is this what experienced rangers and stockmen say, or simply scientists?

Mr. TOMLINSON. Mr. Thornber owns a small ranch, and he is also a scientist.

Mr. RAKER. I did not know but what he was a scientist and also a practical stockman.

Mr. TOMLINSON. I have talked repeatedly with Mr. Thornber. I do not know a man as thoroughly well posted on grazing as he is.

He believes that with the range under Federal law or restricted private control its carrying capacity would be vastly increased.

I will leave a copy of this pamphlet with the committee and quote from it into the record, with your permission.

Mr. RAKER. Is it your idea that by the leasing there would be less stock on the range?

Mr. TOMLINSON. No, sir; there would be more stock on the range. The history of stock raising on the forest reserves demonstrates very conclusively the beneficial results of some sort of control of the reserves. The stockmen now favor forest reserves, because the stock weigh more; they weigh from two to three hundred pounds more than what they would under similar conditions, under unrestricted forest reserves.

Mr. RAKER. Whereas the stock on the forest reserves has been reduced from 10 to 25 per cent?

Mr. TOMLINSON. Not quite so much as that. There has been a slight reduction.

Mr. RAKER. Well, I will be conservative and say from 10 to 20 per cent.

Mr. TOMLINSON. For further answer to your question as to whether the stockmen of the country generally favor reserves, I will give my understanding of their views.

Mr. RAKER. No; I am not talking about the reserves.

Mr. TOMLINSON. You asked Judge Cowan the question, and I would like to supplement his reply, because I think I am as well posted on that question as almost anybody can be who is not connected with the Government service. In our membership, composed of all the important live-stock associations of the United States—that is, west of the Mississippi, all the range live-stock associations of Texas and Wyoming, the stock association of western South Dakota and Montana, and the associations of New Mexico, Arizona, California, Nevada, Utah, and Colorado—are members of our organization and are closely in touch with the administration of grazing on the forest reserves. Of course there is some objection on the part of some stockmen. It would be strange if there were not some complaint.

Nearly all of the western live-stock associations favor the present administration of our forest reserves and policy. There is, of course, some objection to the administration of some of the local officers, but those complaining are in the minority. I can conservatively say that by far the majority favor the national-forest policy of the Government and its administration of the grazing thereon.

Now, this question of Federal control of the open range, or a leasing law, is not a new question for our association. In 1904 there was a meeting held in Denver, Colo. It was a joint conference between W. A. Richards, Gifford Pinchot, and F. H. Newell, constituting the special Government land commission, and delegates representing the live-stock interests of the Western States, and they adopted certain resolutions which I wish to read into the record. They appear on pages 347 and 348 of the proceedings of the American National Livestock Association for the year 1905. That commission exhaustively considered, for three days, the very questions we are seeking to present to your committee, and the resolutions show that they agreed upon some Federal control of the semiarid, unprotected open range, either through a leasing law or grazing permits.

The resolutions referred to are as follows:

To the chairman of the joint conference between W. A. Richards, Gifford Pinchot, and F. H. Newell, constituting the Government land commission, and delegates representing the live-stock interests of the Western States, assembled at Denver, Colo., on the 3d, 4th, and 5th of August, 1904.

Your committee on resolutions begs leave to report as follows:

[Resolution No. 1.]

FOREST RESERVES.

Whereas the management and control of the forest reserves carries with it the control of the grazing interests of such reserves, which, in many instances, are vastly more valuable than the timber products thereof; and

Whereas the Department of Agriculture is the branch of our Government especially organized for the purpose of the study and development of all these varied products of the soil and of the stock that harvest the same; be it

Resolved, by the live-stock men assembled at Denver, Colo., on the 3d, 4th, and 5th of August, in conference with the Government's land commission, That we most earnestly urge upon Congress the necessity of the transfer at the earliest possible date of the management of said forest reserves to the Department of Agriculture, where not only the forests but all the interests involved may be properly studied and protected.

F. J. HAGENBARTH, *Chairman.*

JESSE M. SMITH, *Secretary.*

Mr. Gosney, of Arizona, moved the adoption of the resolution. Seconded by Mr. Jastro. The question was put and the resolution was adopted as read.

[Resolution No. 2.]

GRAZING LANDS.

To the special land commission appointed by President Roosevelt to investigate conditions in the arid and semiarid States in reference to grazing lands and forest reserves:

Whereas the President having appointed a special land commission to investigate the present conditions and future requirements of the public-lands system in the arid and semi-arid States and Territories in reference to grazing lands and forest reserves; and

Whereas said commission has requested the good offices of the National Live Stock Association of the United States in obtaining a consensus of the views of the live-stock interests of the West regarding the proper control and disposition of the public grazing lands; and

Whereas after full discussion in open convention the fact has developed that conditions over the vast area included in the grazing districts of the West are so varied and conflicting that much time must of necessity be consumed in the classification of the public grazing area, as well as the determination of range customs and usages in different districts; and

Whereas the past creation of forest reserves has often been ill-advised and far-reaching and the administration thereof, as concerns the grazing interest, has been faulty even to injustice, and believing that the Department of the Interior is not sufficiently equipped to study and handle the forest-reserve question; and

Whereas, feeling that the present grazing system has been built up through a term of many years, consuming the life work of the western pioneers and of the younger generation, entailing untold hardships and even sacrifice of life, and believing that such sturdy efforts entitle the great majority of the present occupants of the range to no uncertain voice in the initiation of any legislation that may affect their interest: Therefore be it

Resolved, That we favor the passage of a law which will authorize the Secretary of Agriculture to thoroughly classify the vacant lands of the United States and determine the conditions at present governing the use of the grazing areas, and to ascertain those sections of the range area, if there be any, to which a lease system can be satisfactorily applied; and be it further

Resolved, That the power to create and administer forest reserves shall be vested in the Department of Agriculture, which is specially organized and equipped for this purpose; and be it further

Resolved, That we favor Government control of and jurisdiction over all public grazing areas by or through the Department of Agriculture; local questions being

decided on local grounds and under regulations made to meet local conditions; that the range rights of present users of the grazing area as determined by priority of occupancy and present use shall be carefully safeguarded; and that no sudden or stringent upheaval of existing conditions which would cause commercial distress shall be made; on the other hand, such legislation must be gradual in its effect, and leases granted only where locally satisfactory, as determined by the proper authorities.

F. J. HAGENBARTH, *Chairman*.

JESSE M. SMITH, *Secretary*.

MR. GRAHAM. Mr. Tomlinson, are there any cattle concerns not affiliated with your organization of the American National Live Stock Association?

MR. TOMLINSON. There are no important State organizations (probably there are some little local organizations) that are not affiliated with ours. I do not recall of any important western cattle association that is not now a member of ours, except some little local district associations which may be affiliated through a State organization.

MR. GRAHAM. Is the American National Live Stock Association an incorporated concern?

MR. TOMLINSON. The American National Live Stock Association is not an incorporated association; no, sir. It is a voluntary association.

MR. GRAHAM. It has no capital stock, or anything of that sort?

MR. TOMLINSON. None at all.

MR. GRAHAM. What is the nature of it?

MR. TOMLINSON. It is an association formed by producers, breeders, and maturers of live stock, for their own protection and benefit, largely on national matters. We have two classes of members, individual members and an affiliated membership of other live-stock organizations. There are about seventy-five western live stock associations that are members of ours, and we have an individual membership, of prominent live-stock men, of around a thousand members. Our great strength, of course, comes from our association membership.

MR. GRAHAM. Well, are these concerns not affiliated with you, in harmony with your views, or are they antagonistic to your views on this matter?

MR. TOMLINSON. Take the National Wool Growers' Association, for example, to which organization I presume you refer: That is an organization entirely of sheepmen throughout this country. I believe I violate no confidence when I say their honored president, Mr. Gooding, favors Federal control of the open range. The majority of the members of the association, or at least the voting members—the members present at the meetings—have in the past opposed any Federal control of the open range, and they have, as an association, opposed the forest-reserve policy of the Government. It is my personal opinion, however, that the majority of the western sheepmen of the United States to-day favor the forest-reserve system of this country, and I believe if you could take a nose count of all the sheepmen of the United States you would find that the majority would be in favor of some Federal control of the open range. I give that as my honest, sincere opinion after a careful talk with a great many sheepmen. We have in our organization half a dozen sheep associations.

MR. VOLSTEAD. How many cattle do each of these people have on an average, that belong to the American National Live Stock Association?

Mr. TOMLINSON. That is a question I could not answer. Some of them are large raisers, and some of them are small.

Mr. VOLSTEAD. Well, give us some of the large ones.

Mr. TOMLINSON. I suppose one of the largest ones is the Matador Land & Cattle Co., running about 70,000 cattle.

Mr. VOLSTEAD. Where is that; what State?

Mr. TOMLINSON. That is in the Panhandle of Texas. I think the president of our association, Mr. Jastro, of California, of the Kern County Land & Cattle Co., runs more cattle and sheep than that.

Mr. VOLSTEAD. What is your idea of the membership of the various organizations?

Mr. TOMLINSON. The Cattle Raisers' Association of Texas has 2,800 members.

Mr. VOLSTEAD. How many cattle does each member control, on the average?

Mr. TOMLINSON. Could you answer that, Judge Cowan?

Mr. COWAN. Nine-tenths of the cattle raisers of Texas have less than 500 cattle. It is largely composed of small men. The small men get more protection than the big ones.

Mr. TOMLINSON. The Wyoming Stock Growers' Association has 750 members. I should say they represent 50 to 75 per cent of the cattle of Wyoming.

Mr. RAKER. This bill would not affect Texas in any way, would it?

Mr. TOMLINSON. No, sir; though I believe you have some little Government land, have you not, Mr. Cowan?

Mr. COWAN. It would only affect us in the sense that our outlet depends on those States where they have public land.

Mr. RAKER. I appreciate that, but so far as the Government land is concerned, in a stock sense, in Texas they are governed under an entirely different law?

Mr. TOMLINSON. Oh, yes.

Mr. RAKER. And this would not affect them at all?

Mr. TOMLINSON. No; except indirectly as they are interested in the shipping of cattle to wherever they have grass on the open range.

Mr. RAKER. In other words, the Texas people are interested in the range land in other Western States, so as to get the benefit of it.

Mr. VOLSTEAD. You say Wyoming has 700 members?

Mr. TOMLINSON. Seven hundred and fifty members—Wyoming Stock Growers' Association.

Mr. VOLSTEAD. About how many head of cattle has each one of these?

Mr. TOMLINSON. I would say their holdings would average about two or three hundred apiece. Montana the same.

Mr. VOLSTEAD. There must be quite a number of them that have a very much larger number, isn't there?

Mr. TOMLINSON. Oh, yes; some of them run from ten to fifteen thousand head in Wyoming.

Mr. PICKETT. I would like to ask Mr. Tomlinson to do this: You are in favor of the Federal control of the open range?

Mr. TOMLINSON. Yes, sir.

Mr. PICKETT. Now, you are secretary of this association and undoubtedly have given this matter considerable thought: Will you just state the reasons why you favor Federal control of the open range? That is, go into the details so the committee's hearings,

when they reach the Members of the House, will contain your reasons as well as a statement of your ultimate judgment in the matter—the reasons which induce your judgment.

MR. TOMLINSON. The most important reason is on account of the very unsatisfactory present range conditions. That is perhaps the all-influencing reason. Anything that is free is generally grabbed for and abused. The range is undeniably overgrazed; its grasses are depleted; the business instead of being in a prosperous, profitable condition, has degenerated into the scramble for what little free grass remains. So thoroughly unsatisfactory has been the open-range conditions, that stockmen have quit the business and are selling out.

It is true that settlement has had something to do with it, but from Montana to Arizona I hear the same complaint of the overgrazed and depleted condition of the range. There is, of course, some controversy between the sheep, cattle, and horse men, as to the use of certain portions of the range; but to a great extent that has been largely eliminated by friendly arrangements. I believe the fact remains that under present conditions there is no incentive to establish water holes; there is no incentive to get good bulls on the range, and you can not properly take care of stock in the wintertime.

MR. TAYLOR. Mr. Tomlinson, don't we in Colorado have a State law, of which I am the author, compelling these people to put good bulls on the range?

MR. TOMLINSON. I believe that is true.

MR. TAYLOR. And have they not been prosecuted and fined for not putting sufficient bulls on the range?

MR. TOMLINSON. I believe that is so.

MR. PICKETT. I would like to have you complete your answer to my question, because when this matter comes before the House the hearings will probably be referred to, and I think it will be fair to them as well as to ourselves, in the absence of members of the committee, to make a full statement in answer to the question I ask.

MR. TOMLINSON. In further answer to your question, I desire to read from an article written by the Hon. Joseph M. Carey, published in the Wyoming Tribune of February 6, 1908, in which he says:

Again, disease has become a question of great worry, loss, and expense to the cattle and sheep owners. Disease on public ranges can not be controlled. Immunity from it and its elimination on the public range are impossibilities. No cattle or sheep grower can keep his herd or flock free from it, however careful he may be. Scab among sheep and scabies among cattle are almost universal. Extirpate these diseases to-day and to-morrow the clean herd or flock will be infected by the herd of some careless neighbor or by an infected range. The diseases named fortunately yield to treatment, but they entail great expense and damage. Suppose foot-and-mouth disease or some other very fatal disease should break out among the live stock, the owner on a public range would be in a hopeless condition. The question of disease a few years ago was not a serious one, but notwithstanding all that the General and State Governments are doing, disease among the live stock of this State is to-day a burning problem.

MR. RAKER. Is not that at all answered by the national law, and also by all the States that absolutely control the stock on the public range?

MR. TOMLINSON. No, sir; not entirely. The great trouble in the administration of the law on the open range is because it is open range country. I think if you will call Dr. Melvin on that question, he will explain to you very conclusively the great difficulties of controlling

disease on the open range. Of course, we quarantine certain sections, but that does not keep them clean. That is the trouble that has been experienced in Colorado and Wyoming, and practically everywhere where they have ranged conditions, and that is one great objection to the open range proposition.

Mr. RAKER. Is there any piece of public land that you know of, in the Territories, of any size, where there is water or water holes, that is not now being used by stockmen and ranchers for their small herds, as well as large herds? If there is, I would just like to know where that territory is in the United States.

Mr. TOMLINSON. No; I do not believe I can recall any.

Mr. Tomlinson was granted permission to file for printing in the record an article by Mr. Joseph M. Carey, published in the Wyoming Tribune, February 6, 1908. It is as follows:

[Reprinted from the Wyoming Tribune, Cheyenne, Wyo., Feb. 6, 1908.]

STOCKMEN SHOULD STUDY BOTH SIDES OF QUESTION.

"GREAT PROBLEMS NOT SOLVED BY FRANTIC TIRADES AND PERSONAL ABUSE," SAYS FORMER SENATOR CAREY IN LETTER ON PROPOSED LEASE LAW.

The Tribune is in receipt of the following letter from former United States Senator J. M. Carey, who was one of the delegates to the American national live-stock convention and who makes some comments on the leasing measure advocated by that body which should be carefully read by stockmen throughout the State. The letter follows:

CHEYENNE, WYO., February 6, 1908.

The TRIBUNE:

It has been stated in some of the newspapers of the State that at the recent annual meeting of the American National Live Stock Association held in Denver I voted favorably or indorsed what is known as the Burkett bill for the control of the public ranges. I stated to the committee on resolutions and on the floor of the convention in strong terms that I did not favor the Burkett bill. I do favor the bill as now formulated and printed in the Tribune of yesterday. The stockmen all thank the Tribune for its publication.

The proposed bill favorably reported and approved by the American National Live Stock Association by 396½ votes of a total of 429 votes is a very different measure from the Burkett bill. The vote was a significant one, for the reason it was made up largely of 30 live-stock associations representing sheep, cattle, and horse owners, covering the entire range country from Texas to the British line and from the Missouri River to the Pacific Ocean. The convention was a representative one. While the measure is not perfect, it affords a basis upon which reasonable men can stand. Its provisions were adopted almost unanimously, because the objections heretofore urged against the control of the public range are so far eliminated that it is believed that if such a measure could be enacted into a law it would be of untold benefit to the live-stock business, and that in changing from what is misnamed "free range" to range control the inconvenience would be reduced to the minimum and the advantages secured would be the best possible obtainable for every interest concerned.

NEW CONDITIONS TO BE MET.

Conditions have changed greatly since the initiation of the live-stock business on the public domain west of the Missouri River. These changed conditions are largely the result of transition causes, but the legislation of some of the States, notably that of Kansas, Texas, Nebraska, and the Dakotas, has been an important factor, and the decisions of the courts of Wyoming with reference to crossing, watering, and pasturing stock on private but unfenced lands have seriously affected the grazing industry. Especially has this been the case inside of the limits of the land grant of the Union Pacific Railway Co. That the decisions, wise or unwise, good for some and damaging to others, have not caused greater inconvenience and loss may be attributed to the love of fair play and reciprocal feeling that is the rule and not the exception among live-stock owners.

PERSONAL.

It is true, as stated, that I have heretofore been opposed to the leasing measures proposed, largely, however, for the reason that no one considered has, as I thought, met the conditions as they exist. It had always appeared to be a very complicated question. The measure approved does, I believe, meet the conditions as they exist to-day, and I believe if we could have a State convention made up of unprejudiced, uninstructed, and well-informed delegates, representing sheep, cattle, and horse men, that such a convention would indorse the proposed bill, or one like it, with comparative unanimity.

RANGE CONTROL HAS BECOME A HISTORICAL QUESTION.

Thirty years ago, during President Hayes's administration, a land commission was appointed to propose necessary land legislation, including that of range control. The personnel of that commission was of the very best. It consisted of James A. Williamson, Commissioner of the General Land Office, a resident of Iowa, familiar with the settlement of a new country; Gen. Powell and Clarence King, each of them well known as explorers and investigators of the then newly found conditions west of the Missouri River. Clarence King was then largely interested in the live-stock business in Wyoming and Colorado. He became the first Director of the United States Geological Survey and was succeeded by Gen. Powell to that office. Another member of the commission was A. T. Brittain, an eminent land lawyer of Washington. Mr. Brittain had lived many years in California and was no stranger as to public-land conditions. The other commissioner making up the five was Thomas Donaldson, of Idaho Territory, an able man. He had been a land officer in that Territory for several years. The commission took testimony in all the public-land States. Their reports were very elaborate and complete. Not one of this commission is alive. Nothing came out of the work or their good recommendations, and nothing has come out of the conclusions of the commission appointed by President Roosevelt. The reason of these failures is that those who are engaged in the business and understand the question do not formulate a plan and urge its adoption. They could get what they would indorse. All good legislation in a republic or limited monarchy is the result of compromises. The originator of a measure may be too enthusiastic and the modifications secured by an opposition may after all be the best features of a new measure or law. The stockmen should get together and settle the matter. Frantic tirades and personal abuse do not solve great questions.

At this late day I have no hesitation in saying that if the Hayes land commission had secured satisfactory legislation for range control Wyoming would in point of wealth be five times as great and would now have a much larger population. Years of experience, much of it full of misfortune, have taught us many things worth avoiding in the future.

MISFORTUNES OF UNCONTROLLED RANGES.

Uncontrolled and overstocked ranges between 1880 and 1885 cost Wyoming many good and able men. They brought bankruptcy and ruin to persons and incorporated companies engaged in the cattle, sheep, and horse business, as well as to the banker and the merchant. It took two decades to overcome the effect. So crippled were many that large numbers sought other locations. Even to this day the banker and loaner of money call the attention of their customers to the misfortunes of those years of the past.

WHAT OF THE FUTURE?

The question may well be asked, Are we approaching the same gloomy conditions as those between 1880 and 1890? The loss and ruin came then alike to all the grazing States and Territories. The business was overdone. The ranges gave out. Under changed conditions the live-stock business has again become profitable. This is especially so with the sheep business. It should be kept so, and it could if the flock-master could be protected. He can not be on an open range. If no one else does, he will crowd his own range, as a warning to others to keep off. Because his neighbors on an open range do not sell off the increase, he will not dispose of his. It is within bounds for me to say if no great misfortune overwhelms the sheep industry in the near future, millions of new capital will be invested in Wyoming in the industry, and that, too, on the ranges, which are carrying all the live stock which they can support with safety. Such investments will mean losses and perhaps in such proportions as to bring ruin to those now engaged in the business. To illustrate this point: A very successful sheep owner and grower recently said to me, "I can go almost anywhere

outside of the land grant of the Union Pacific Railway Co. and put on twenty, thirty, or fifty thousand sheep." I said, "How would you secure water?" He replied, "I can get water. If you show me the grass, I will find water. A little water goes a great ways with sheep except during two or three of the summer months."

Again, without exception the cry is that the ranges are overstocked. The overstocking of the range is not given much consideration until the loss and devastation incident thereto are felt. Unfortunately the loss of stock is not confined to the surplus over and above the capacity of the range, but the whole herd or flock, save a percentage, often small, of the strongest of the animals, perish. The overstocking, the misfortune most to be dreaded, can be avoided only by some kind of range control.

DISEASE AMONG LIVE STOCK.

Again, disease has become a question of great worry, loss, and expense to the cattle and sheep owners. Disease on public ranges can not be controlled. Immunity from it and its elimination on the public range are impossibilities. No cattle or sheep grower can keep his herd or flock free from it, however careful he may be. Scab among sheep and scabies among cattle are almost universal. Extirpate these diseases to-day, and to-morrow the clean herd or flock will be infected by the herd of some careless neighbor or by an infected range. The diseases named fortunately yield readily to treatment, but they entail great expense and damage. Suppose foot-and-mouth disease or some other very fatal disease should break out among the live stock, the owner on a public range would be in a hopeless condition. The question of disease a few years ago was not a serious one, but notwithstanding all that the General and State Governments are doing, disease among the live stock of this State is to-day a burning problem.

LET US LOOK TO THE FUTURE.

We can not expect in the next quarter of a century that over 8,000,000 acres of Wyoming's great area will be cultivated or even partly tilled. The absolute waste lands, the Yellowstone Park, and forest reserves, mines, etc., will absorb 10,000,000 more acres. There will be left more than 45,000,000 acres, or a country as large as the great State of Missouri, which will be devoted chiefly to grazing interests. Assuming that the Government will not dispose of these lands in bodies to suit the conditions, why should the stockmen not be given some kind of a permit or lease that would give them control of their own property, put them in a position of comparative safety with their flocks and herds?

THE RANGE-CONTROL BILL.

In this connection let us examine the range-control bill indorsed by the American National Live Stock Association. By its provisions the President of the United States is authorized to establish the grazing districts and the Secretary of Agriculture to appoint the officers necessary for the administration and protection of such grazing districts, to improve the ranges, prevent overstocking, etc., and issue permits to graze live stock thereon for periods of not more than 10 years with the right to fence the same, giving preference to homesteaders and to present occupants of the range who own improved ranches or who have provided water for live stock grazed on the public lands. The maximum grazing fee shall be 4 cents an acre and the minimum one-half cent an acre. The average rental of the two extremes would be 2½ cents an acre. The users of the land are authorized to appoint a committee of four persons representing the different kinds of stock, who, with an officer appointed by the Secretary of Agriculture, in charge of the grazing district, shall constitute an executive committee who shall determine whether such grazing permits shall be by the acre or on the per capita basis, and whether the range shall be by individual or community allotments. Indeed, this executive committee would virtually have control of the range. If the users of the land fail to appoint such a committee, the President of the United States may appoint such committee, apportioned, however, among the owners of the different kinds of live stock in a grazing district.

That the lands in a grazing district shall be subject at all times to homestead entry, and to entry selection and disposal under all public land laws now existing or that may hereafter be enacted, but the grazing permit will not be affected until the end of the current annual grazing period except as to the land actually entered or appropriated. It is expressly provided that nothing in the act shall be construed to prevent bona fide settlers or residents from grazing their stock used for domestic purposes on the public lands affected thereby.

In addition to these provisions, the rights of settlers, prospectors, and miners to enter upon such grazing districts are broad and well defined. They are not restricted in any particular, and the public lands will be as open to them as they are to-day.

All net moneys received from each grazing district are to be paid into the State treasury for the benefit of schools and public roads. These are the main provisions of the proposed bill. Interested parties should read the bill in its entirety. It will stand investigation.

It is useless to make more of a summary. The measure is short, plain, and to the point. If printed it would occupy scarcely more than two pages of the revised statutes of Wyoming.

The Government exercises, under its provisions, the least possible control commensurate with its ownership of the public lands. It is to all intents and purposes a home rule control measure. Those who govern the control of the ranges are sheep, cattle, and horse owners appointed by the users of the range, or on their failure by the President of the United States. It will be a business, not a political control.

The acreage valuation is low on the basis of 6 per cent interest, less than 67 cents an acre for the best and $7\frac{1}{2}$ cents for the poorest, or an average annual rental of $2\frac{1}{4}$ cents an acre. It is not probable that the rental would be in the first instance more than half this amount, but whatever the net amount might be, it would go into the State treasury for the support of public schools and maintenance of public roads.

The ranchman, the user of the range, the owner of the water, the homesteader of the past and future, and all other entrmen under the land laws of the United States are protected. The rights of the Government in its Reclamation Service are guarded. It does not interfere with the State government in the segregation of lands under the "Carey Act." It encourages the miner and prospector. As it protects everybody and every industry, we may ask, Who else is there to protect and from where could opposition come, and why should not all be willing to accept its provisions?

It is to be desired that the sheep, cattle, and horse owners and all others interested in the State's best and highest interests shall carefully read the proposed bill, and give the measure the consideration that a question of so much importance deserves. Its enactment by Congress would give stockmen a fixed, certain, and safe business, which they do not now have. They would have a fixed property interest for a definite period in a lease or permit, and because of its substantial nature and protection afforded their credit would be greatly enhanced and strengthened.

The next presidential election is likely to be a battle royal, and no one can predict the result. He can only guess what manner of man will be President Roosevelt's successor. President Roosevelt earnestly desires that the great business of growing sheep, cattle, and horses should have the protection to which it is entitled. Now is the time of all times for the stock interest to secure such legislation as their present business demands and their future business may require. The opportunity is at hand; it may not again return. The question is largely a local one and local sentiment will control.

There will be nothing done now unless they agree to a measure and request its enactment into a law. Their Representatives in Congress would undoubtedly carry out their wishes. Otherwise the responsibility will be avoided and the stockmen will go into a future of uncertainty to meet increasing difficulties and losses which may repeat the past and reach the proportions of ruin to many.

JOSEPH M. CAREY.

STATEMENT OF MR. A. F. STRIKER, SECRETARY AND MANAGER OF THE SOUTHERN CALIFORNIA LIVE STOCK EXCHANGE.

Mr. STRIKER. Mr. Chairman and gentlemen of the committee, we represent the corn-belt men more largely than anyone else who have in the past been able to raise a large portion of the cattle on their own land—land which to-day is too valuable for that purpose. They have very largely each year been securing their supplies of beef stock from the range, but we feel—and I believe Mr. Mondell will bear me out—as the years pass that the shipment of cattle from the range country is decreasing, and we are wondering where we are going to be able to secure our supply of live stock, which we want to feed on the high-priced lands of the corn belt, if they can not in some manner be secured from the range and raised on the range.

We believe that while the live-stock shipments from the ranges to-day are decreasing, that with some system of using the public lands of the West these same lands will produce more cattle than they have

ever produced before. The president of the South Omaha Live Stock Exchange asked me that if I appeared before this committee to say that our people believe in some method by which the homesteader would be enabled to lease land adjacent to his homestead where he might have water, and that our people all favor some such legislation as that.

One of the questions asked, I believe, was with reference to the differences between the sheepmen and the cattlemen. Some of Mr. Mondell's constituents have solved the problem by the cattlemen going into the sheep business and the sheepmen going into the cattle business.

Mr. RAKER. Do you know the reason why that is so?

Mr. STRIKER. I do not know the reason.

Mr. RAKER. The reason is they are getting such high prices for sheep that the cattlemen have not been able to get enough money to run their business with. I have been told by men coming from the West that the cattlemen are going out of the business. That is the condition in my country.

Mr. STRIKER. It is a fact that sheep sold on the Chicago market yesterday for \$10.40. Cattle are also bringing good prices; but the fact remains, gentlemen, that we do not know where we are going to get cattle for the corn-belt territory unless some plan be arranged so that the territory of the West produces more cattle than they are producing to-day. We want something done; but we do not know just what it is; but we think this leasing problem under some conditions will help to produce more cattle rather than to have free ranging on our public domain.

Mr. GRAHAM. At what age do you take the cattle from the range to feed?

Mr. STRIKER. They are taken at different ages—2-year-olds, 3-year-olds, and 4-year-olds.

Mr. GRAHAM. Would not the age at which they are taken largely determine the number of head you might have? For instance, take it at 2. You would get more head from the range than if you waited until they were 3-year-olds?

Mr. STRIKER. If you take them at 2, you will have far more cattle to-day, at least on the range.

Mr. GRAHAM. What is the proper age for the economical breeding on the farm?

Mr. STRIKER. That depends on the way a man wants to feed them, sir. Some people prefer to feed 2-year-olds to make baby beef; others prefer to feed 3-year-olds; others 4-year-olds; some 90 days and some 60 days.

Mr. GRAHAM. At what age is the frame of the animal practically finished?

Mr. STRIKER. I would rather have a cattle man answer that question, but I think from along about 2 years old they might be considered to be pretty fairly well developed.

Mr. RAKER. Up until last year, is it not a fact that for 10 years the cattle men went behind in the range business in the Western States, and they had to sell out because they could not make a living?

Mr. STRIKER. A large number sold out on account of the restriction of the ranges and the fencing of the ranges. But I think a great many of them might have remained in the business, however, if they had

been assured of permanent ranges. They went out of business, I think, a good many of them, because they could figure on no permanent range which they might be sure of getting.

MR. TAYLOR. The ranges are being taken up by settlers, are they not?

MR. STRIKER. Yes, sir.

Thereupon, at 12.15 o'clock p. m., the committee adjourned until to-morrow, Saturday, May 4, 1912, at 10 o'clock a. m.

COMMITTEE ON THE PUBLIC LANDS,
HOUSE OF REPRESENTATIVES,
Washington, D. C., May 4, 1912.

The committee met at 10 o'clock a. m.

Present: Messrs. Robinson (chairman), Taylor, Raker, Fergusson, Rubey, Pickett, Speer, and Mondell.

THE CHAIRMAN. Gentlemen of the committee, we will proceed with the hearing. I have received a telegram from William Spry, governor of Utah, stating that the convention of governors of certain Western States is to be held, and that it is desired by the people of those States that action on this bill be deferred until after that convention. I take the liberty of putting that in the record.

The telegram referred to is as follows:

SALT LAKE, UTAH, *May 3, 1912.*

PUBLIC LANDS COMMITTEE,
House of Representatives, Washington, D. C.:

At a meeting of the executive committee of the public land convention comprising the States of Alaska, Arizona, Arkansas, California, Colorado, Idaho, Montana, Nebraska, Nevada, New Mexico, Oregon, South Dakota, Utah, Washington, and Wyoming, held at Salt Lake May 2, 1912, the following resolution was unanimously adopted:

Whereas the governors of the Western States will convene at Boise, Idaho, on August 1, 1912, at which time and place questions pertaining to public lands and the conservation of the natural resources will be discussed and the position of the Western States will be defined and made known to the Congress of the United States: Therefore be it

Resolved, That it is the sense of this committee that further action upon the Lever bill or legislation of a like character be deferred until the people of the public-land States may be heard and their positions on the great questions made known through their governors at the convention to be held at Boise, Idaho, August 1, 1912.

J. W. MUSSER, *Secretary.*

I heartily concur in the above resolutions and join with the committee in requesting that action be postponed until the wishes of the Boise convention has been made known.

WILLIAM SPRY, *Governor of Utah.*

THE CHAIRMAN. Mr. T. W. Tomlinson will proceed.

ADDITIONAL STATEMENT OF MR. T. W. TOMLINSON, SECRETARY AMERICAN NATIONAL LIVE STOCK ASSOCIATION.

MR. TOMLINSON. Mr. Chairman, the last thing I referred to in my remarks was about the conference held in Denver, in August, 1904, at the suggestion of the President of the United States, where some Government officials were present and a number of representative

stockmen, and I introduced the resolution adopted at that conference. Mr. F. J. Hagenbarth, one of the largest sheepmen of the West, and then president of the American National Live Stock Association, was chairman of that meeting, and Mr. Jesse M. Smith, of Utah, also a sheepman, was secretary of the resolutions committee. Following that meeting in February, 1907, there was a hearing before the Committee on Agriculture and Forestry of the United States Senate, at which a number of stockmen were present, by invitation of the President of the United States. The question was thoroughly thrashed out there by both cattlemen and sheepmen, and it appears in a Senate document printed at that time, dated February 11, 1907, to which I respectfully refer.

The CHAIRMAN. What is the number of the document?

Mr. TOMLINSON. It is not a document; it is a hearing.

Mr. RAKER. Taken when?

Mr. TOMLINSON. Before the Committee on Agriculture and Forestry in the United States Senate in Washington, February 11, 1907. Both sides were heard.

There were some bills that were the outgrowth of these hearings in Denver and before the Senate committee. I can not point you to the bills, but our association, realizing the slowness with which the matter was progressing and the futility of trying to do anything without putting our thoughts and wishes into some concrete state, formulated a bill at our annual convention, held in Denver in 1908. That convention was held January 21 and 22, 1908. A special committee was appointed to prepare such a bill, the committee consisting of representatives from Colorado, Utah, Montana, Arizona, Texas, South Dakota, California, Kansas, and Nebraska. With but one exception they unanimously reported a bill which was approved by our convention and was subsequently introduced in both the Senate and House and was currently known as the Curtis-Scott bill.

The CHAIRMAN. Do you know the number of that and in what Congress it was?

Mr. RAKER. It is S. 6346, Sixty-first Congress, second session, in the Senate. In the House it is H. R. 22462, Sixty-first Congress, second session.

Mr. TOMLINSON. In passing, I might say that Joseph M. Carey, now governor of Wyoming, was a member of that committee; also Mr. Underwood, who is now chairman of our standing committee on forest reserves and public grazing lands; Mr. Dwight B. Heard, from whom you have a telegram regarding this bill; Mr. J. V. Vickers, of California, as well as other representative stockmen from other States and Territories.

The bill which our association then adopted is to all intents and purposes, with some minor changes, substantially like the Lever bill which you are now considering. There was a lengthy discussion on the provisions of said bill at our annual meeting in 1908, and simply for the information of the committee and in order that your records may be complete—not that I desire to have it printed—I will file our proceedings of that convention if it is permissible.

The CHAIRMAN. They will be filed. How many copies have you?

Mr. TOMLINSON. I can furnish as many as necessary.

The CHAIRMAN. Can you furnish one for each member?

Mr. TOMLINSON. I shall be very glad to do so.

The CHAIRMAN. It will not be necessary to print it in the hearings, if that is done.

Mr. TOMLINSON. The bill to which I refer and which was approved by our convention in 1908, was adopted by a total vote of 429, of which 396½ were in favor of the bill as reported and 32½ were opposed to it. There were represented at that meeting 32 live-stock organizations as well as a large number of individual members. Do you desire that I file that bill for printing?

The CHAIRMAN. I think I should like to have it go in the record; yes.

The bill referred to is as follows:

A BILL Providing for the control of grazing upon the public lands in the arid States and Territories of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the unreserved, unappropriated public lands of the United States shall be subject to the provisions of this act, and the President of the United States is hereby authorized to establish, from time to time, by proclamation, grazing districts upon the unreserved, unappropriated public lands of the United States; conforming to State and Territory lines so far as practicable, whereupon the Secretary of Agriculture, under rules and regulations prescribed by him, shall execute or cause to be executed the provisions of this act, appoint all officers necessary for the administration and protection of such grazing districts, regulate their use for grazing purposes, protect them from depredation and injury, restore and improve their grazing value, issue permits to graze live stock thereon for periods of not more than ten years, which shall include the right to fence the same, giving preference when practicable to homesteaders and to present occupants of the range who own improved ranches, or who have provided water for live stock grazed on the public lands, and charge and collect reasonable fees for such grazing permits based upon the grazing value of the land in each locality: *Provided*, That the maximum grazing fee shall be four cents per acre and the minimum one-half cent per acre.

SEC. 2. That the users of the public lands under the provisions of this Act may select a committee of not more than four members from the users of any such grazing district, which committee shall be proportionate with ownership of different kinds of stock, giving at least one committeeman to each class of live-stock users of the land, who, with the officer appointed by the Secretary of Agriculture in charge of such grazing district, shall constitute an executive board, who shall determine whether the permits for such grazing districts shall be issued upon an acreage or upon a per capita basis, shall make such division of the range between the different kinds of stock as is necessary, and shall decide whether the distribution of the range shall be by individual or community allotments. The executive board shall also determine the total number of animals to be grazed in each grazing district, when permits are issued on a per capita basis, and shall decide upon the adoption of any special rules to meet local conditions, and shall prescribe special rules to govern the movement of live stock across the public lands, in such districts, so as to protect the users of the land in their rights and the right of persons having the necessity to drive across the same. The executive board shall also determine the preferences in the allotment of grazing privileges provided for in Section 1 of this act, and shall determine the value of the improvements and of the use of the same whenever that may become necessary under the provisions of this act in the administration of the same. Any differences between a majority of the executive board and the officer in charge shall be referred to the Secretary of Agriculture and shall be adjusted in the manner prescribed by him. Any interested party shall have the right to appeal from any decision of the board to the Secretary of Agriculture. If the users of the land fail to select the committee as herein provided for, the President of the United States shall name such committee from such grazing districts, apportioned among the owners of the different kinds of live stock, as above provided.

SEC. 3. That lands within such grazing districts shall be continually subject to homestead entry and to other appropriation and disposal under all public-land laws now existing or which shall be hereinafter enacted: *Provided*, That after the establishment of any such grazing district no form of location, settlement, or entry thereon shall give a right to grazing privileges on public lands, except when made under laws requiring cultivation or agricultural use of the land: *Provided*, That permits to

graze live stock upon land which is subsequently appropriated under any public-land law shall not be affected by such subsequent appropriation, except as to the land actually appropriated, until the end of the current annual grazing period: *Provided further*, That no permit shall be given to any such settler or entryman which will entitle him to the use of any buildings, corrals, reservoirs, or other improvements owned or controlled by a prior occupant, until he has paid such prior occupant a reasonable pro rata value for the use of such improvements. If the parties interested can not agree, then the amount of such payment shall be determined under rules of the Secretary of Agriculture: *And provided further*, That land upon which buildings, corrals, reservoirs, wells, or other improvements owned or lawfully controlled by the holder of a grazing permit have been established shall not, when any such improvements exceed one hundred dollars in value as determined by rules of the Secretary of Agriculture, be subject to settlement or appropriation under the public-land laws during the permit period without the consent of the owner of such buildings, corrals, reservoirs, wells, or other improvements; and when such improvements are worth less than one hundred dollars, settlement may not be made upon lands containing them during the permit period until the new occupant has paid such amount for the improvements as may be determined under the rules of the Secretary of Agriculture.

SEC. 4. That no grazing permits issued under this act shall prohibit settlers, prospectors, and others from entering upon such grazing districts for all proper and lawful purposes, including the use and enjoyment of their rights and property, and prospecting, locating, and developing the mineral resources of such districts; and wagon roads or improvements may be constructed thereon in accordance with law, and all persons shall have the right to move live stock from one locality to another under such restrictions only as are necessary to protect the users of the land which will be driven across.

SEC. 5. That the Secretary of Agriculture may set aside such public lands in any grazing district as are not occupied by a bona fide settler or claimant under the public-land laws, not to exceed, in any case, three per centum of all public lands in any grazing district, when such lands are needed for schoolhouses, churches, and State or county buildings, or for public, administrative, experimental or improvement purposes under this or any other law; and when lands so set aside have been listed in the local land office they shall not be subject to settlement, entry, or location under the public-land laws until such lists are revoked by the Secretary. All waters on public lands, or subject to the jurisdiction of the United States within such grazing districts may be used for domestic, mining, milling, or irrigation purposes under the laws of the State or Territory wherein such grazing districts are situated, or under the laws of the United States and the rules and regulations thereunder.

SEC. 6. That the Secretary of Agriculture shall fix a date, which shall not be less than one year from the establishment of any grazing district, and after such date the pasturing of any class of live stock on public land in the grazing district without a permit obtained as herein provided shall constitute a misdemeanor and shall be punishable by a fine of not less than ten dollars nor more than one thousand dollars, or by imprisonment for not less than ten days nor more than one year, or by both such fine and imprisonment, in the discretion of the court: *Provided*, That homestead or other settlement, location, entry, patent, and all other disposal of public lands under the public-land laws shall be in no wise restricted, limited, or abridged hereby; nor shall anything herein be construed to prevent bona fide settlers or residents from grazing their stock, used for domestic purposes, on the public lands affected hereby.

SEC. 7. That the sum of two hundred and fifty thousand dollars is hereby appropriated, to be available until expended, for the payment of expenses necessary to execute the provisions of this act. All net moneys received from each grazing district during any fiscal year shall be paid at the end thereof by the Secretary of the Treasury to the State or Territory in which said grazing district is situated, to be expended as the State or Territorial legislature may prescribe, for the benefit of the public schools and the public roads of the county or counties in which the grazing district is situated: *Provided*, That when any grazing district is in more than one State or Territory or county, the distributive share of each from the proceeds of said grazing district shall be proportional to its area therein.

SEC. 8. That the President is hereby authorized to modify any proclamation establishing any grazing district, but not oftener than once in five years, to take effect in not less than one year thereafter, and by such modification may reduce the area, or change the boundary lines of such grazing district.

Mr. RAKER. That is the same as the Curtis bill, Senate No. 6346, and House No. 22462, is it not?

Mr. TOMLINSON. Substantially the same. There may be some minor changes that I do not recall.

At every meeting of our association since then we have indorsed the provisions of this bill. There have been discussions at each succeeding meeting, and we have always wound up by a flat indorsement of the recommendations of our committee in 1908. Our last action on this matter was taken December 12 and 13, 1911, and is incorporated in a resolution adopted by the association unanimously at that time. I would like to insert that resolution in the record. It is resolution No. 7, urging Federal control of the unappropriated semiarid grazing lands of the West; also resolution No. 8, urging classification of the public grazing lands, and resolution No. 10, to encourage the sinking of wells on desert lands. The latter resolution is slightly foreign to this subject, but I would like to have it go in.

The resolutions referred to are as follows:

[Resolution No. 7.]

URGING FEDERAL CONTROL OF THE UNAPPROPRIATED SEMI-ARID GRAZING LANDS.

The American National Live Stock Association, in convention assembled, at Denver, Colo., December 12 and 13, 1911, hereby declares that—

We believe that the prosperity and development of the stock-raising industry on the public grazing lands of the arid and semi-arid West is seriously threatened by the present indiscriminate methods of grazing, and we strongly recommend the early passage by Congress of a bill providing for Federal control of these unappropriated public grazing lands and a just and reasonable method of leasing such lands.

We favor a bill to operate either under the jurisdiction of the Department of the Interior or of Agriculture, and along the general lines definitely recommended by this organization at its annual convention in Denver in 1908, and approved at all its conventions since that date. This measure would be of great practical advantage to the stockmen of the West, gives full protection and encouragement to the actual settler and homemaker, and through the distribution of the net revenues received in the construction of schools and good roads in the districts from which the funds are obtained would be of great public benefit.

[Resolution No. 8.]

URGING CLASSIFICATION OF PUBLIC GRAZING LANDS.

To better facilitate the leasing and control of the semiarid grazing lands, as outlined in the bill approved by this association, we vigorously urge Congress to provide without delay for the classification of the unappropriated unreserved public lands into grazing and agricultural districts.

[Resolution No. 10.]

TO ENCOURAGE THE SINKING OF WELLS ON DESERT LANDS.

Whereas there has been introduced in the House of Representatives a bill, "To encourage and promote the sinking of wells on desert lands in the Territory of Arizona," which will enable citizens of the United States to obtain a patent to forty acres of desert land after sinking a well and obtaining water thereon and making proper proof by payment of \$1.25 per acre, 25 cents at time of filing and \$1 at final proof, with limit of eight filings to one person; law not to be applicable to any but desert grazing lands: Therefore be it

Resolved, That the American National Live Stock Association, in convention assembled, at Denver, Colo., December 12 and 13, 1911, heartily indorses the provisions of this bill and recommends that it be made applicable to all the arid-land States.

Mr. TOMLINSON. At the last meeting of the Wyoming Stock Grazers' Association, held at Sheridan, Wyo., on April 2, they adopted a resolution which I will read, as follows:

Resolved, That the prosperity and development of the stock grazing industry of the public grazing lands of the arid and semiarid west are seriously threatened by the present indiscriminate methods of grazing. We strongly recommend the early passage

by Congress of the bill providing a reasonable method of purchasing or leasing all of the public grazing lands, to be controlled and administered by the State authorities where such lands are situated, subject at all times to the operation of the homestead law in such manner as may be provided by law.

The Montana Stock Growers' Association at its last annual meeting held in Miles City, April 17, 1912, adopted a resolution favoring Federal control of the open range and indorsing the bill formulated by our association. I will insert that resolution in the record.

Mr. RAKER. Does that resolution favor State control, the same as Wyoming?

Mr. TOMLINSON. No, sir; it does not.

The resolution referred to is as follows:

We believe the present development of the stock-raising industry in the public grazing lands of the arid and semiarid West is seriously threatened by the present methods of grazing, and we strongly recommend the early enactment by Congress of a bill for Federal protection of these unappropriated grazing lands and a just and reasonable method of leasing such lands.

We favor a bill to operate either under the jurisdiction of the Department of the Interior or of Agriculture and along the lines definitely recommended by the American National Live Stock Association. This measure would be of great practical advantage to the stockmen of the West and give full protection and encouragement to the farmer and home maker, and the net revenues received in the construction of schools and good roads in the districts from which the funds are obtained would be of great public benefit.

Mr. TOMLINSON. The Arizona Cattle Growers' Association have repeatedly in the past five or six years passed resolutions urging Federal control of the arid and semiarid unappropriated ranges; so also has the Western South Dakota Stock Growers' Association, operating in western South Dakota.

The local Colorado associations, many of them, have also indorsed legislation favorable to the control of the open-range country, and for the purpose of a record, I will read into it a resolution adopted by the Delta County Live Stock Association, which Congressman Taylor knows very well. This resolution adopted December 28, 1911, is as follows:

Resolved, That we are most heartily in favor of the passage of Senate bill No. 3463, recently presented in the United States Senate by Senator La Follette, entitled "A bill for the improvement of grazing on the public lands of the United States, and to regulate the same, and for other purposes."

The La Follette bill, I might explain, is but little different from the Lever bill which you are now considering. The Lever bill, however, has a few minor improvements in it.

Mr. TAYLOR. May I ask you in that connection, isn't it true that the Colorado Cattle Growers' Association is opposed to this measure?

Mr. TOMLINSON. There are, as you know, Mr. Taylor, two State associations in Colorado, one known as the Colorado Cattle and Horse Growers' Association and the other as the Colorado Live Stock Association. The reason for the existence of these two associations is that they split on the question of the administration of forest reserves, the old association for some years opposing it and the new association favoring the present administration of the forest reserves. The old association, to which you refer, Mr. Taylor, has not in the past year or two taken any definite action either on the forest reserves or on the open-range question. The new association has declared itself in favor of forest reserves and in favor of the lease of the semiarid open-range country.

Mr. TAYLOR. You referred yesterday to the forest reserves. This is not a question so much of the forest reserves, is it?

Mr. TOMLINSON. No; not at all. I am just trying to explain why there are two State associations in Colorado. I think perhaps I ought to read into the record a letter from the Colorado Live Stock Association which does favor some Federal control of the open range, so called.

Mr. RAKER. What was the final action of the association that you refer to? Did they oppose the leasing of the public domain?

Mr. TAYLOR. As Mr. Tomlinson has said, the original association—which, I think, is the main one, isn't it—

Mr. TOMLINSON. I think they are about equally divided, so far as membership is concerned.

Mr. TAYLOR. They have always been opposed to the leasing of the public domain, haven't they?

Mr. TOMLINSON. I would hardly think it a correct statement to say that they are all opposed to it. They have refused to consider that issue in the last two years, Mr. Raker. The old association was not inclined to take any action either on the forest-reserve or the open-range question, whereas the new association has taken very emphatic action on both.

Mr. RAKER. Mr. Tomlinson, this matter now before the committee—so that we may have the matter clear—has not any relation or any connection, then, with the Forest Service?

Mr. TOMLINSON. Not in the slightest; I did not drag it in except to explain the position of those two associations.

The letter to which I refer is dated Denver, Colo., April 29, 1912, and is addressed to me. It is from the secretary of the Colorado Live Stock Association, of which Mr. Isaac Baer, of Meeker, Colo., is president, and Mr. John Grattan, Broomfield, Colo., is secretary. Shall I read it?

The CHAIRMAN. If there is anything in it you especially wish to emphasize you might read it, but if you stated the substance of it I suggest you put it in the record, and all other resolutions, refer to them generally.

Mr. TOMLINSON. I will put it in the record here.

The letter referred to is as follows:

COLORADO LIVE STOCK ASSOCIATION,
Denver, Colo., April 29, 1912.

Mr. TOMLINSON.

DEAR SIR: Whatever you may do toward procuring legislation that will put our public domain under some system or regulation will be very much appreciated by the members of our association. While we do not in any way wish to injure the small stockman, yet we think the small man as most of our members are, always stands a better show under government than under anarchy.

The free pitch in on the range results in no one getting the benefits they should, besides a useless waste of a valuable product, because of want of system and management.

The same principles apply to the range that apply to the farm, to a business, or to a municipality.

I can see why some people who have now a certain monopoly on certain grazing land don't want any change. They are no different from some other people who have immense quantities of the world's goods and the balance of the goods headed in their direction. They never want a change.

Respectfully,

JOHN GRATTAN, *Secretary.*

Mr. TOMLINSON. I also desire to present to your committee a letter from Mr. Isaac Baer, of Meeker, Colo., president of the Colorado Live Stock Association. It is as follows:

MEEKER, COLO., April 29, 1912.

Mr. T. W. TOMLINSON,

*Secretary American National Live Stock Association,
New Willard Hotel, Washington, D. C.*

DEAR SIR: Knowing that you will be in attendance at the hearing before the Public Lands Committee of the House of Representatives on May 3 and 4, when the land-leasing bill as presented by your committee will come under consideration, I desire to inform you that at a meeting of the Colorado Live Stock Association, held in Denver in December last, the same bill was presented and received the unanimous indorsement of the members at that meeting.

We had a full attendance of the entire membership of the Colorado Live Stock Association at our last meeting, and the leasing bill was one of the most important matters brought before the house, and was received with a great deal of enthusiasm, as all present feel that the future of the live stock business of the West depends upon the successful management of the public domain by the National Government.

Wishing you success in convincing the honorable members of the Public Lands Committee,

I am, yours,

ISAAC BAER,

President Colorado Live Stock Association.

Mr. TOMLINSON. I also want to put in the record a statement prepared in 1908 by J. C. Underwood, of Underwood, Wyo., and George Mitchell, of Uva, Wyo., representing the Laramie County Cattle and Horse Growers' Association. It is entitled "The True Status of the Grazing Problem in Wyoming."

Mr. RAKER. What is Mr. Underwood's business?

Mr. TOMLINSON. Mr. Underwood is a cattleman. He has probably one of the best herds of Hereford cattle in Wyoming. He had to take his fences down, and, of course, is relegated to the open range country, and he has not been able to improve his herd or even maintain its high standard. Like all our stockmen he has had a hard time this winter with the severe weather, which might have been avoided had he been able to run his cattle under some sort of control. In this short article prepared by the Laramie County Cattle and Horse Growers' Association they refer to the fact that there are 4,000 cattlemen in Wyoming, and their holdings are approximately less than 200 head. Considering the size of their holdings and the fact that all these local live-stock organizations in Wyoming—the cattle organizations I refer to—favored some Federal control of the open range, and that the Wyoming State association also favors some change in the present conditions, you can readily see that the small man does favor a change in the present system.

The statement referred to is as follows

THE TRUE STATUS OF THE GRAZING PROBLEM IN WYOMING AS SHOWN BY THE POLL OF
THE LARAMIE COUNTY CATTLE AND HORSE GROWERS ASSOCIATION.

The misapprehension which may have been created in the minds of Members of Congress and the public generally as to the views of Wyoming stockmen on the subject of Government control of grazing the public lands, by constant appeals of certain large interests who profit by the open range, leads us to make this explanation in behalf of the small stock owner and the men in the cattle business in that State, for the purpose of showing you the fact that a majority of our stockmen favor such a protection to established live-stock business, the settlement and prosperity of the State. Those in whose behalf we speak are scattered over wide areas and are not possessed of the means of getting concerted action, as is the case with those who, as we believe,

have created an erroneous impression as to the real wishes of the great majority of Wyoming stockmen.

The State has an area of 63,430,000 acres, of which 7,389,026 acres, or 11½ per cent, is in private ownership. Four million acres, or 6 per cent, is controlled by the State in regular school sections, lieu lands, and Government grants to the State institutions. Nine million acres, or 14 per cent, is included in forest reserves, making a total of 31½ per cent of the total area that is controlled in some way. At this time only 2,152,000 acres, or 3 per cent of the patented area, is under cultivation. The 68 per cent of land remaining, or about 43,000,000 acres, is now used for grazing of cattle, horses, and sheep. An official pamphlet recently issued by the State officials of Wyoming says, "That eventually about 10,000,000 acres can be cultivated." Former Senator J. M. Carey says, "That within the next 25 years probably 8,000,000 acres will be placed under cultivation." His personal knowledge of the topography and his colonization experience throughout the State without a doubt makes him an authority on this subject.

We have grazing on the public lands now approximately 800,000 head of cattle, valued at \$20,000,000; 5,000,000 head of sheep, valued at \$22,500,000; 79,571 head of horses, valued at \$2,500,000. There are 4,000 men engaged in the cattle business, which would represent an average of 200 head of cattle to the man. There are 1,600 sheepmen, with an average of 3,125 sheep to the man. The horses are about equally divided among the owners of cattle and sheep, with very few individual owners. Nearly all of the cattlemen with their families live on and improve their ranch property by their own toil, while a large proportion of the sheepmen do not maintain established places of business, and a great number live in the cities or out of the State.

The approximate revenue derived from the sale of cattle amounts to \$8,000,000 per annum, and that from sheep amounts to \$7,211,773 from the wool clip and \$5,405,027 from the meat movement.

The majority of the cattlemen are small owners, and as the cattle can not be herded to an advantage it is necessary that these men have a fixed place of business where they can produce winter food, improve the quality of the stock, and prevent loss from straying off. To a considerable extent the sheepmen maintain fixed places of business. Naturally both cattle and sheep men with fixed places of business wish to improve their ranches and homes and acquire exclusive use of the adjoining lands, as this is the only way the stability of the business can be maintained. The sheep business is carried on in a different manner from the cattle business, as sheep are constantly herded by day and penned at night. The herder has his house on a wagon, and as feed grows short the sheep and the camp are moved to greener fields—the only necessity being water provision. With free range the incentive is to get all you can, which in the end works to the detriment of all. The men with the fixed places of business as a rule are raising hundreds of tons of hay and various crops for winter feeding and wish to acquire by lease or purchase the adjoining grazing land in order to carry on their individual ideas. While men may differ as to the manner in which they should be permitted to acquire a definite portion of the public range to carry on their business, the very great majority of those with a fixed localized business desire by some fair method to so acquire the use of the public land.

In order to obtain a consensus of the views of stockmen upon the subject, the Laramie County Cattle and Horse Growers' Association commenced a poll of the State to ascertain the views of the people regarding the leasing of the public domain by sending out a series of questions to the 5,000 men engaged in the stock business. Up to February 1, 1908, we had received 613 replies from 252 post office districts in the State out of a possible 350. This poll shows 516 favoring a lease law and 97 opposed. Those in favor of the lease law own 9 per cent of the patented area, 5½ per cent of the cultivated area, 269,721 head of sheep, 142,508 head of cattle, 8,503 head of horses. They also raise 87,317 tons of hay, valued at \$650,000, all of which is fed to their stock during the winter months. The 97 opposed to a lease law own 1½ per cent of the patented area, 1 per cent of the cultivated area, 126,000 head of sheep, 29,557 head of cattle, and 2,504 head of horses. They raise 16,815 tons of hay, valued at \$99,012, most of which they feed during the winter months.

Our banner year was 1907 in the addition of lands to private ownership—an area of 5 townships, or 115,200 acres going to patent. At this rate it will take 368 years to get the balance of the 1,840 unappropriated townships in the State into private ownership. During 1907 we had approximately 3,035 homestead filings in the State, 1,000 of these being in the extreme southeast corner of the State in a district about 40 miles long and 25 miles wide. We also had 626 desert-land filings throughout the State. On the other hand, during this same period we had nearly 500 relinquishments of homestead entries and over 300 desert entries, the reason given in the majority of

cases being that the applicants could not make a living upon these lands. Some few desert filings were relinquished because the entrymen could not comply with the new interpretation of the law, and these in numerous cases were selected by the State as lieu lands for the parties who had relinquished them.

Nearly all the lands in the State along creeks and rivers are now under patent, leaving only the highlands unappropriated. Where it is possible in a few instances to reclaim some of these lands by building reservoirs, yet it is only by corporate interests that this will become possible. In order to obtain a business basis the majority of the stockmen are willing to pay the Government a reasonable fee for the use of these lands in order that they may conduct their business on an individual paying basis. Under the fencing systems, which has grown and become almost general because the law against inclosing public lands, for nearly a quarter of a century, has not been enforced by the Government, the quality of our live stock, especially cattle and horses, has improved 100 per cent in the past 10 years. Now to turn this improved stock loose indiscriminately on the public range, which has to be done where the owners are forced to remove their fences from the public lands, will simply ruin the live-stock business and put it back 10 to 20 years. With one man expending his time and resources on a Hereford breed of cattle and his neighbor on a Shorthorn breed, the individual idea of neither breeder can be conserved upon the open range. The live-stock owners do not wish to be placed in the attitude of wishing to maintain their business by unlawful means, i. e., inclosing public lands in violation of a United States statute, and therefore they wish relief through the repeal of the fence law, or, if this is impracticable, they wish their business methods placed upon a legal basis, which can be done by giving them a lawful tenure of grazing lands through leasing.

The people wish the rights of the settler safeguarded in every way, and his settlement on lands where he can succeed will be welcomed, but the stockmen also feel that they are entitled to like consideration and that this business should not be jeopardized. In this connection we wish to quote from a letter just received from the Hon. C. N. Walters, a prominent stockman of northern Wyoming: "I inclose petition of 60 representative stockmen of this vicinity, who own \$1,000,000 worth of land and live stock, who favor a reasonable lease law. If the present Congress does not take action in this direction, they certainly should repeal the present fence law, which is causing great hardship and loss in this section."

We are not wedded to any particular measure or specific language, but we do need relief, and we would kindly ask that you give this matter your serious consideration.

We do not wish to press the grazing measure at this session, as we do not feel the sentiment of Congress is ripe for action, but fence relief would be welcome.

Respectfully,

GEORGE MITCHELL,
President, Uva, Wyo.

J. C. UNDERWOOD,
Secretary, Underwood, Wyo.

Mr. MONDELL. I did not quite catch that last statement of yours.
[Mr. TOMLINSON. I say that as the bulk of the small Wyoming associations, such as the Laramie County Cattle and Horse Growers' Association, and all the small cattle and horse growers' organizations in Wyoming favor some Federal control, and that the Wyoming Stock Growers' Association, by the resolution referred to, favor also either some Federal control or State control, it is perfectly plain that the small men of Wyoming do favor a change in present conditions.

The CHAIRMAN. Mr. Tomlinson, let me make a suggestion to you. Can you not state the organizations that have indorsed this measure or similar measures a little more briefly?

Mr. TOMLINSON. I will file with the secretary a list of all the members of our association.

The CHAIRMAN. I wish you would do that. I think that will serve the same purpose. If you desire to state the organizations that have opposed it, we will be glad to have you do that.

Mr. TOMLINSON. There are no members of our association that oppose this bill.

The list referred to is as follows:

ASSOCIATION MEMBERS OF THE AMERICAN NATIONAL LIVE STOCK ASSOCIATION.

Albany County Cattle and Horse Growers' Association, Wyoming.
 Albany County Wool Growers' Association, Wyoming.
 American Berkshire Association.
 American Hereford Cattle Breeders' Association.
 American Short Horn Breeders' Association.
 Arizona Cattle Growers' Association.
 Arizona Wool Growers' Association.
 Bent County Cattle Growers' Association, Colorado.
 Bijou-Muddy Cattle Association, Colorado.
 California Live Stock Association.
 Cattle Sanitary Board of New Mexico.
 Cattle Raisers' Association of Texas.
 Coconino County Cattle and Horse Growers' Association, Arizona.
 Colorado Live Stock Association.
 Colorado Stock Growers' Association.
 Corn Belt Meat Producers' Association.
 Converse County Cattle Growers' Association, Wyoming.
 Delta County Live Stock Association, Colorado.
 Gunnison County Stock Growers' Association of Colorado.
 Inland Registered Breeders' Association of Washington.
 Kansas State Live Stock Association.
 Kern County Cattle Growers' Association, California.
 Kern County Wool Growers' Association, California.
 Laramie County Cattle and Horse Growers' Association of Wyoming.
 Las Animas County Cattle Growers' Association, Colorado.
 Live Stock Sanitary Board of Arizona.
 Montana Stock Growers' Association.
 Nebraska Stock Growers' Association.
 New Mexico Cattle and Horse Growers' Association.
 North Park Stock Growers' Association, Colorado.
 The Pan Handle and Southwestern Stockmen's Association.
 Park County Cattle Growers' Association, Colorado.
 Pikes Peak Cattle and Horse Growers' Association, Colorado.
 Plateau Valley Cattle Association, Colorado.
 Sheep Sanitary Board of New Mexico.
 Snake River Cattle Growers' Association of Colorado.
 Southwestern Utah Live Stock Association.
 Southern Utah and Northern Arizona Cattlemen's Union.
 Virgin River Stockmen's Association, Utah.
 Washington Live Stock Association.
 Western Slope Wool Growers' Association, Colorado.
 Western South Dakota Stock Growers' Association.
 White River Cattle Association, Colorado.
 Wyoming Stock Growers' Association.

MR. FERGUSSON. May I ask a question, Mr. Tomlinson? Do I understand that this bill you are now considering is accepted as a summary or substitute for all the other bills referred to?

MR. TOMLINSON. Yes, sir.

MR. FERGUSSON. This is the one you are advocating?

MR. TOMLINSON. Yes, sir.

MR. FERGUSSON. I notice in the first line that the unreserved, unappropriated public lands of the United States shall be subject to the provisions of this act. In the State of New Mexico, which I represent, for instance, that would subject to reservation for grazing purposes the whole of the public domain of the State of New Mexico except what is now reserved for forest purposes and what is now allotted and appropriated to private owners, would it not?

MR. TOMLINSON. It would give the President the privilege, of course, of setting those aside—of establishing grazing districts.

Mr. FERGUSON. I mean, subject to being reserved in his discretion.

Mr. TOMLINSON. Yes, sir.

Mr. RAKER. As a matter of fact, would it not reserve all the public domain which is not reserved or in private ownership?

Mr. TOMLINSON. It is not obligatory on the President to do that. I presume ultimately, after a survey and classification, if he found it worked satisfactorily, he might adopt that plan in parts of New Mexico.

Mr. FERGUSON. That is, they are subject to being reserved?

Mr. TOMLINSON. Yes, sir.

Mr. FERGUSON. There is a clause in here, section 2, that homestead or other settlement, location, entry, patent, and all other disposal of public lands under the public-land laws shall be in no wise restricted, limited, or abridged hereby. The operation of this bill would, however, subject a homesteader to the necessity of going within the fenced inclosure of any permit that had been granted for grazing purposes under the lease of 10 years.

Mr. TOMLINSON. It depends altogether on whether the ranges are divided up upon a community basis or leased outright. Possibly under both conditions a man would have to go inside a fence.

Mr. FERGUSON. I would like to state to you, as a preliminary to the next question, that the Secretary of the Interior in person, at a hearing before this committee, has suggested that in his opinion the public domain should be classified into, say, arid and semiarid, agricultural, mineral, and other divisions like that. Would it not suit the purposes of these cattlemen whom you represent to have that classification provided for in a bill like that, so as to have the public domain in the State of New Mexico, say, subject to appropriation for strictly agricultural purposes under the great irrigation enterprises, and especially under the improved methods known as scientific farming? Don't you think the purposes would be served that you are seeking, which I recognize as very valuable, because I recognize that a large part of the public domain of New Mexico is hopelessly arid or semiarid and absolutely incapable of being utilized for farming purposes? In view of that, don't you think the purposes would be served by a classification that would permit the President to reserve only such of the public domain as is not suited now for agricultural purposes for the uses indicated in this bill of the great cattle and sheep industries of the country?

Mr. TOMLINSON. You will recall the resolution of our association, which I just put in the record. We urge the speedy survey and classification of all this semiarid country and it is our belief—at least it is my belief—that before the President could act on such a bill as the Lever bill he would have to have the land classified.

Mr. FERGUSON. It is provided on page 3, line 10, that permits to graze live stock upon land which is subsequently appropriated under any public-land law shall not be affected by such subsequent appropriation, except as to the land actually appropriated until the end of the current annual grazing period, which would be 10 years, as elsewhere provided. Will not the operation of that proviso prevent a farmer or homesteader from taking his homestead and from doing anything to develop that in an agricultural way if he wanted to have a few cattle? That would be the effect of it, would it not?

MR. TOMLINSON. Until the end of the "current annual grazing period."

MR. FERGUSON. Which might be more than 10 years?

MR. TOMLINSON. No; it could not be more than a year; probably less than a year. The bill reads, "Current annual grazing period."

MR. FERGUSON. If a farmer should come in within one year after this permit had been granted for 10,000 acres, then for any year he would be prohibited from doing anything to cultivate his entry?

THE CHAIRMAN. Don't you think, Mr. Ferguson, that that applies to a single year rather than to the whole grazing period?

MR. FERGUSON. I do not understand it so.

THE CHAIRMAN. That is to say, that inhibition would expire at the end of the year and not at the end of the whole grazing period? That is, the farmer could not use the land surrounding that which he was actually appropriating until the end of the first year?

MR. FERGUSON. It does not say that. If it would make that plain, it would be good.

THE CHAIRMAN. I think that is the construction that would be given to it, but if there is doubt about that, of course, it should be made specific.

MR. FERGUSON. One other question along this line. If a farmer should go in the area of a grazing permit of, say, 10,000 acres, and locate his 160 or 320 acres, locate his homestead, he would be within the fenced area of the permit. Would it not entail upon that farmer the absolute necessity of fencing his homestead at once, or could he raise crops in the midst of a grazing herd?

MR. TOMLINSON. I think the condition would be about the same as at present. If he wanted to protect any property or raise any crops he would have to fence it; yes.

MR. FERGUSON. You say your association is advocating this bill now as being a summary of all the others. Would you object to having this bill so amended so as to provide that there should be a classification, and that it should apply only to lands unfit for farming?

MR. TOMLINSON. Most decidedly, I would not object to such a classification.

MR. FERGUSON. Don't you think it would be better that, if possible, the areas where farming might be successfully prosecuted and the areas that are unmistakably suited only for grazing purposes should be classified and the distinction between them properly preserved so that the country might develop both in an agricultural and a grazing way without conflict of interest?

MR. TOMLINSON. As I stated before, in reply to a former question, I believe it will be necessary before this bill is put into actual operation to have some survey and classification of the open range, and it will be necessary to segregate the agricultural land from the grazing and semiarid land.

In this connection, may I ask how much land you regard as semiarid in New Mexico?

MR. FERGUSON. I shall have to refer you to the department for that. I do know, however, that land which was considered within eight years, in eastern New Mexico particularly, where the contour of the country is similar to the panhandle of Texas—I know that prior to a period within 10 years past that was looked at as fit for nothing

but grazing, and that now there are thousands of more or less prosperous farmers there and they get a little rain. With a suitable homestead law they will be allowed five months absence each year, when they can find other employment, and in that way will slowly make progress. I believe it would not be wise to retain it for grazing purposes and have fenced lands of that character that may be made into homes for the people.

Mr. TAYLOR. Will the gentleman from New Mexico permit a question? What you have just said, in view of what Judge Cowan said yesterday concerning the belief in Texas a few years ago, that the great portion of the western part of the State would never be any good for anything, whereas it is now valuable farming land, do you think it is possible or practicable for anybody at this time to have enough foresight and superhuman intelligence to classify the lands of the West so as to determine what they will ultimately be good for? Is there any possibility of that being done; is not the Secretary of the Interior's recommendation upon that subject, from our western personal knowledge, absolutely impracticable?

Mr. FERGUSON. I will only say what I said a while ago. I believe there are millions of acres there which it will be to the interest of our country to have appropriated for grazing purposes under some proper law, but I do not think this bill ought to be enacted without providing and guarding carefully the rights of farmers that show a disposition now to come and fill up New Mexico.

Mr. MONDELL. But your view to-day of what that area would consist of would be different from what your view would have been a few years ago?

Mr. FERGUSON. Yes, sir; but at the same time it is to the interest of New Mexico that the cattlemen and sheepmen should have to do what is generally advocated by men here who have larger tracts and have the right to fence them, but I think it should be carefully confined to what is strictly appropriated to grazing purposes.

Mr. RAKER. While you are putting this land under the control and ownership of the homesteader, the desert-land claimant, do you then make it possible that the State and county and district wherein this land is can subject it to taxation to help build up the country?

Mr. FERGUSON. Yes.

Mr. RAKER. Ought not the balance of the land to be put in the same position so it may bear its share of the burden of taxation?

Mr. FERGUSON. Well, that can be reached by the leases—you mean for local taxation?

Mr. RAKER. Yes.

Mr. FERGUSON. I think that will adjust itself. I am in accord with the gentlemen advocating this bill so far as the great grazing stretches of New Mexico are concerned, because I think that it will tend ultimately to make farms out of it.

Mr. MONDELL. Would you have that accompanied by a provision for sale within a certain period?

Mr. FERGUSON. No; I do not know that I would say that.

Mr. MONDELL. Do you think this provision which prohibits the entryman from grazing any of his live stock on any part of the leased area within the current year would not discourage him somewhat from taking his horses and his cows into that area at the time he made entry?

Mr. TOMLINSON. Oh, possibly. If he took up 320 acres, for example, he certainly would not cultivate it all the first year, and he would have ample land to graze the few milch cows and horses he had within his own fence.

Mr. MONDELL. Of course, that man would either have to fence them or picket them or have the children close-herd them.

Mr. TOMLINSON. This colloquy has proceeded on the theory that the homesteader would be prevented from exercising his inalienable rights. I do not believe he will. I think the provisions of the Lever bill will encourage homesteading, and for this sole reason: After these lessees have spent a large amount of money providing water, and after they have created water and demonstrated to the prospective homesteader that he can get water on this range, he is infinitely more likely to come in and settle than he would under the arid conditions with no prospect of water.

Honestly and sincerely, I think this bill would encourage the small homesteader. I know some little about the operation of the lease law in Texas and know how it operates, and it worked entirely satisfactorily, as does the Australian lease system also. There are approximately 300,000,000 to 350,000,000 acres of semiarid land in this country which will never be used for anything else but grazing. I am pretty familiar with the dry farming of the west and have been closely connected with it for seven years. In good wet years, of course, they can make a living, but in dry years they are half starved. That is true in large sections of New Mexico, and it is true in eastern Colorado and true in Wyoming, as Mr. Mondell knows. It has not been proved an entire success, although they have been able to raise some forage crop.

Yesterday I was asked whether a 1 or 2 section homestead would not be satisfactory in certain sections of the west. In reply to that I might say that not long ago I had the pleasure of talking with Mr. J. B. Kendrick, president of the Wyoming Stock Growers' Association. He gave it as his personal opinion that so far as certain sections of Wyoming were concerned the two-section homestead might solve the question up there. He said in certain localities he thought a man could with two sections make a good living; that may be true in Wyoming; it certainly is not true down in Arizona, Nevada, or certain parts of New Mexico.

This bill which we advocate contains, of course, general provisions which I think will meet the majority of the varying conditions all over the West. It may not be a finality, but it will relieve the very unsatisfactory, unstable, and unprofitable conditions. If later on some land could be turned over to the State or sold, you are not sacrificing anyone's rights by leasing it or putting it temporarily under Federal control.

We have been imploring this legislation for many years. The last record I read on it was in 1907, when we had hearings before the Senate committee. We have had this bill introduced in Congress time and time again, but nothing has been done. It does not now seem to be much further along than it was 10 years ago.

Now, gentlemen, the range of to-day is different from what it was 25 years ago. If there were an unlimited range, with virginal grasses and houses 50 miles apart, the stock men would not be here asking protection, I might say, against themselves. The range is crowded;

it has been depleted; it is a scramble among stock raisers to get the most grass. The result is the carrying capacity of the range has been greatly decreased. As Mr. Cowan said yesterday, it is a great economic question; we have reached a point on cattle, at least, and on sheep as well, where we consume practically our production. Now, if there is any way whereby you can make two blades of grass grow where but one grew before, and raise two bullocks where but one grows to-day, it is due to the great consuming public as well as to us producers who are trying to make the best out of very bad and unsatisfactory range conditions that you enact this very reasonable remedial legislation.

I was asked yesterday by Congressman Pickett to enumerate some of the reasons why we ask for this bill. In this Arizona pamphlet to which I have already referred and which I believe is encyclopedic on the question, it enumerates 12 reasons why there should be some Federal control of the open range. It says:

In addition to what has been said already concerning the disadvantages of free grazing, there are certain positive advantages to be had by virtue of grazing in fenced areas. These are apparent at a glance from an examination of grazing conditions in New South Wales, Texas, and in occasional small fenced areas in Wyoming.

1. To begin with, stockmen are able to handle the public range under fence precisely as if it were their own land. They know in advance their grazing resources, and can increase or decrease their herds accordingly. Their business is, therefore, on a reasonably sound basis, and as far as possible removed from loss or disaster.

2. The cost of rounding up, branding, and otherwise handling cattle is less in fenced areas than on the open range where commonly cattle become scattered over a large extent of country. Less paid help is necessary, and the owner is at liberty to devote a portion of his time to agriculture, or other pursuits, instead of continually riding the ranges.

3. During prolonged droughts weak and starving animals in pastures can be kept nearer to supplies of feed and water, and hence stand a better chance of being brought through. At such times as these, on an open range, feed is farthest removed from water and often beyond the reach of poor, emaciated animals. Accordingly these gather around watering places and starve to death.

4. Better care, also, can be given to the mothers and their young and the season of the calf crop can be controlled. In Wyoming reproduction among cattle was found to be 25 per cent higher on ranges that were fenced than on the same ranges when the fences had been removed.

5. On inclosed ranges it is practicable to improve herds by breeding with high-grade animals. On the open range under ordinary conditions it is not, and one's grade of stock is the average of the entire range.

6. The incentive to overstock ranges is removed by fencing them, since each man has control of the grazing areas he is dependent upon. For this reason resident stockmen and homesteaders are most in favor of fencing. Their largest profits come from good range country, and they desire to manage their ranges accordingly. Until our grazing ranges are fenced we need not expect any permanent or lasting recovery from them.

7. On fenced areas it is practicable to carry out a systematic alternate grazing and resting of the ranges. Ranges can be divided into pastures, and each of these grazed for three or four months at a time, after which they may be allowed to grow up and mature seed before being grazed over again. Overgrazed ranges can thus be restored to their former grazing capacity.

8. With fencing each man receives the full benefit from the improvement of his ranges through restricting the number of grazing animals for a time, developing water supplies at distances of 4 or 5 miles, eradicating weeds, useless shrubs, poisonous plants, and range rodents, preventing incipient erosion, cultivating occasional areas, constructing dams for flooding purposes, and in other ways increasing the carrying capacity of the land. The incentive to do this can come in no other way except by fencing. Through such intelligent range management the carrying capacity of ranges is often increased from 50 to 100 per cent.

9. Cattle "rustling" ceases to be a common occurrence on fenced ranges. Dishonesty from this source is much more difficult than under open-range conditions,

where cattle belonging to many owners range far and wide. This is the experience in Texas.

10. Range "wars" between sheepmen and cattlemen are not possible on leased fenced ranges. The tramp sheepman and his roving band is also eliminated.

11. It is stated that in coyote-proof pastures herds of sheep graze much more openly and do less trailing than when they are herded. At night also they tend to bed in smaller bands than when herded.

12. Under proper administration leasing and fencing makes for the permanent settlement of the country by many resident stockmen and homesteaders and encourages the growth of such dry-land crops as sorghum and Kafir corn. In this way it furthers agricultural conditions, as may be seen in the instance of Texas; in turn, the development of agriculture renders more certain the stock industry.

Mr. RAKER. May I ask you a question there? Have you any record as to the number of cattle, horses, and sheep that were in these western States 10 years ago as compared with the number now?

Mr. TOMLINSON. I could not give it to you with exactitude. I can answer in this way, that the range receipts on cattle particularly——

Mr. RAKER. No; I do not mean that. Can you give me the number of cattle, the number of horses, and the number of sheep in California, for instance, in 1900?

Mr. MONDELL. The census records would show that.

Mr. RAKER. I wanted to know if he had given that any thought?

Mr. TOMLINSON. Take 25 years ago——

Mr. RAKER. No; 10 years ago.

Mr. TOMLINSON. I could not give it to you with any accuracy; probably less cattle and more sheep.

The CHAIRMAN. Have you concluded, Mr. Tomlinson?

Mr. TOMLINSON. Yes, sir; unless there is some other question.

Mr. TAYLOR. Mr. Tomlinson, you have been for a number of years the secretary of the American National Live Stock Association, have you?

Mr. TOMLINSON. Yes, sir; since 1905.

Mr. TAYLOR. Who is the president of that association?

Mr. TOMLINSON. H. A. Jastro, of Bakersfield, Cal.

Mr. TAYLOR. Was he the president of the Matador Cattle Co.?

Mr. TOMLINSON. No, sir; that was Mr. Murdo Mackenzie, of Trinidad, Colo., who has now gone to San Paulo, Brazil.

Mr. TAYLOR. He is now representing the cattle industry in Brazil?

Mr. TOMLINSON. Yes, sir; he represents the Brazil Land & Cattle Co.

Mr. TAYLOR. Has that any connection with the beef trust?

Mr. TOMLINSON. No, sir; entirely separate and distinct.

Mr. TAYLOR. And who represents the Matador Co. now?

Mr. TOMLINSON. Mr. John McBain, of Trinidad, Colo.

Mr. TAYLOR. And that is how large a company, did you say?

Mr. TOMLINSON. They run approximately 60,000 cattle. They run them all under fence; they use no open range. They do lease some land from the Government up in Dakota.

Mr. TAYLOR. And the other company, the one that Jastro is the head of——

Mr. TOMLINSON. The Kern County Land & Cattle Co.

Mr. TAYLOR. How many head of cattle does that company represent?

Mr. TOMLINSON. Well, at a rough guess, that company runs 150,000 head. It has ranches in Arizona, New Mexico, California, Oregon, and Washington.

Mr. TAYLOR. There is no question, I assume, but what the large cattle companies want the remaining portions of the public domain reserved as much as possible, don't they, for their own interests?

Mr. TOMLINSON. I disagree entirely with you on that proposition, but I am glad you asked the question. Coming east I had a talk with Mr. George Keeline, one of the large operators in Wyoming. He objected to any lease law simply because he could not get enough land for both his summer and winter ranges. You will find that is true all over the country. The big men who use the range frequently object to Government control.

Mr. MONDELL. Isn't it true that a large cattleman who is not in favor of a leasing system is very rare?

Mr. TOMLINSON. You do not find very many large cattlemen on the open range any more.

Mr. MONDELL. The Keelines, to whom you refer, run cattle and sheep, and they have been in the business a good many years and they have a good deal of land of their own?

Mr. TOMLINSON. Yes.

Mr. MONDELL. I did not refer to that as affecting the question one way or the other, but my understanding is that most of the large cattlemen and many of the smaller ones do favor a leasing system.

Mr. TOMLINSON. Of course there are more small ones than big ones, and necessarily the small ones favor the lease law for their own protection. There is a good reason why the small man should favor it, because he can not otherwise protect himself unless he has some sort of Federal control.

Mr. TAYLOR. Is not the president of your association, Mr. Jastro, who you say represents 150,000 head of cattle, the main sponsor for this measure?

Mr. TOMLINSON. Not by any means; no, sir.

Mr. TAYLOR. And is not your association practically the only one that has been taking the lead in this movement for years?

Mr. TOMLINSON. No; I do not think so.

The Arizona Stock Growers' Association; they have been trying to get some regulation of the open range for more than 10 years. The president of the Arizona Wool Growers' Association told me recently he hoped something would be done toward the settlement of this open-range question.

Mr. TAYLOR. Of course, it is not a question of who wants it or does not want it. The question is whether or not it is for the welfare of the western country, and the country generally.

Mr. TOMLINSON. Entirely so.

Mr. RAKER. Do you know any large cattleman that owns from 5,000 to 6,000 head of cattle in California that runs his stock on inclosed land entirely?

Mr. TOMLINSON. The Kern County Land & Cattle Co. does.

Mr. RAKER. Do you know of any in Nevada that confine themselves to inclosed land or land of their own?

Mr. TOMLINSON. No; I think it is pretty nearly all open range in Nevada. I am not familiar with conditions there.

Mr. RAKER. In Oregon?

Mr. TOMLINSON. I am not familiar with Oregon.

Mr. TAYLOR. Is there a living stockman in the State of Colorado that runs his cattle within an inclosure? Don't we have a fence law and haven't the cattle the right of way all over the State?

MR. TOMLINSON. I know quite a few; yes.

MR. TAYLOR. They must be small. They do not use the open range any?

MR. TOMLINSON. No; they do not use the open range at all.

MR. RAKER. Do you know any man in California, Nevada, or Oregon that has any number of cattle, say from 1,000 head up to 6,000, but what owns all the way from 1,000 to 20,000 acres of land which he uses for pasture and for hay, and then still uses the range in common with the small growers in that country?

MR. TOMLINSON. I can not point you to anyone. I am satisfied a great majority of them do own a good-sized chunk of land and do use the open range.

MR. RAKER. Isn't it a fact that all these cattlemen have full preparations and arrangements to breed their cattle, keep up their own bulls and stallions, and have a perfect system with regard to raising hay, so they can maintain the fine herd? Take those three States in particular; isn't that the universal condition?

MR. TOMLINSON. I would not think it was the universal thing by any means. I think, however, the great majority of them are prepared to put up some hay.

MR. RAKER. Do you know of any large-sized outfits in those States that are not doing in substance as I have suggested?

MR. TOMLINSON. No; I can not mention them.

By permission of the committee, Mr. Tomlinson filed the following letters, which were ordered printed in the record: .

[Letter from Dwight B. Heard, of Phoenix, Ariz., first vice president of the American National Live Stock Association.]

PHOENIX, ARIZ., April 29, 1912.

MR. T. W. TOMLINSON,
Secretary American National Live Stock Association,
The New Willard, Washington, D. C.

MY DEAR SIR: I regret exceedingly that it will be impossible for me to attend the meeting in Washington on the grazing bill which has been set for May 3 and 4.

I feel that the passage of this measure will be of such great advantage to the State of Arizona and to the best development of our grazing country, that on behalf of our stockmen I wish to call to your attention some of the definite advantages of this measure.

In Arizona we are fortunate in having had for over 10 years past a practical demonstration of the value of the conservation of grazing lands through the handling of this class of lands when included in the national forests. At first the stockmen using the national forests were almost a unit in bitter opposition to the national control of grazing within these forests and the payment of the fees for such use, but to-day, after years of experience, the stockmen of this State are almost unanimous in favor of the creation of similar conditions under Federal control on the grazing lands adjacent to the national forests, and would not consider returning to the old system of unrestricted grazing under any circumstances.

The present conditions of use of the open range mean gradual destruction of the range country and the steady decrease in its carrying capacity each year. This naturally has a decided effect on the price of beef, and in the interest of the national welfare some method should be promptly devised to protect these public grazing lands, perpetuate the grasses on them, and increase their carrying capacity of stock. These results will, I believe, be obtained by the passage of the bill now before Congress, known as H. R. 19857.

This bill provides for the gradual establishment of grazing districts under proper Government control, provides for the issuance of permits to graze live stock for definite periods, includes the right to fence the leased areas either by individuals or in community pastures, completely protects by legislation, homesteaders in their rights, at the same time protects the present occupants of the range in their legitimate rights

and in such permanent improvements as they have installed. One of the strong features of the bill is that it provides for a large amount of local control and will tend to bring about cooperation between the various stock interests instead of the friction and sometimes bloody feuds which have existed in the past, and will also create a considerable revenue to be used in the development of the schools and roads in the districts from which the fees were collected.

The definite, practical advantages of this bill are many. In my judgment not among the least of these advantages is that the passage of the bill will encourage the establishment of permanent homes upon the public lands; it will put the range stock-grazing industry on a permanent business basis; it will encourage cooperation in preserving the carrying capacity of the range in lieu of the present era of range destruction; it will encourage the occupants of the range to develop a permanent water supply either through wells or reservoirs, which, together with increase in the grasses by the protection provided, is bound to immensely increase the amount of stock that can be carried within the grazing area; and will encourage the stockman to improve the breeding of his stock.

This is a measure which for years has been thoroughly discussed by the various stockgrowers' organizations of the West, the principles of which have been proven effective on the national forests, and this bill should particularly appeal to Congress, as it to-day has the support of the vast majority of the stockmen who are using the public range.

Another feature to which particular attention should be called is the important fact that by conserving the grasses in the upper watersheds of the rivers of the arid and semiarid regions that this conservation of the grasses acts as a regulator of the run-off of the water, prevents erosion, and acts as a natural regulator for the reservoirs and streams which fed the irrigated valleys of the western region.

Regretting that it is impossible for me to be present in Washington at this time to urge the passage of this very important conservation measure, I beg to remain,

Yours, sincerely,

DWIGHT B. HEARD.

[Letter from J. C. Underwood, secretary of Laramie County Cattle and Horse Growers' Association, of Wyoming.]

UNDERWOOD, WYO., April 28, 1912.

MR. T. W. TOMLINSON,
*Secretary American National Live Stock Association,
 Washington, D. C.*

DEAR MR. TOMLINSON: In regard to the Lever land-leasing bill (H. R. 19857), on which hearings are to be given by the Public Lands Committee of the House of Representatives:

This is the exact bill that has been very thoroughly considered by the American National Live Stock Association and by a great majority of those smaller local associations that go to make up the membership of the national association.

From an intimate knowledge of this measure I wish to state that I believe the bill should be passed as near its present draft as possible. As one of the original committee that helped to draft this bill I wish to state that each section was very carefully considered by practical western stockmen, men who had the future of our western country as much at heart as the future of our own particular business, the live-stock industry.

For the benefit of those members of the Public Lands Committee who are not familiar with western lands will say that we have various classes, agricultural, grazing, and mineral lands, as subdivisions, and these may be divided into various classes. Our best agricultural lands are now under irrigation districts or those contemplated. Under this head we also have the dry-farming lands that are worked without artificial irrigation, which in some sections are working out satisfactorily. The balance of all of our lands may be classified as grazing in some form, excepting those that may be under use from mineral workings. In this class of lands there may sometime in the future, with the development of reservoirs, make it possible to reclaim them for agricultural purposes.

With the above ideas in view the original committee attempted to create a measure that would as near as possible conform to these various stages of development.

The main idea of the bill is of course to give relief to the stockmen of the West. Like all other great enterprises the live-stock industry is constantly undergoing great

changes, and in order to meet the various demands of a great nation for meat food products, we necessarily have to change our methods of raising live stock to meet with popular demand of the trade.

In the West we have two classes of producers—those who are anxious to build up a permanent business that will be a credit to their respective Commonwealths, who want live stock that will meet the demand of the trade and bring them a fair return for their labors, and those who are willing to live by mere existence. This has brought about a chaotic state of affairs. Where we originally had plenty of pasturage lands known as range, and all the people were range men, live stock was handled on a common basis where all worked together. With the settlement of the country, and the fact that in railroad limits and where State lands could be leased has caused about all the water in the western country to have been controlled in some way. This leaves vast bodies of lands that are only used for grazing in bad position for water, as a man wishing to protect some feed for winter will fence up the water the nearest to the land, causing stock to walk long distances. The great majority of this land will not for a good many years, if ever, be of any value except for grazing purposes.

Each section of our country has its own particular value. The East has its mineral and agricultural, and so in parts of the West. There is one great business that this Nation is dependent upon, and that is meat food products. The very life of each individual depends upon it. The farmers of the Eastern States require the live stock in order to use up their surplus agricultural products and thereby balance the price of those commodities during the good and bad years. For this reason it is very necessary that some portions of our Nation should be given over to the live-stock industry in particular. Numerous portions of the semiarid West are fitted in this particular for the reason that the ranchmen have settled and improved all the irrigable lands along the streams and put them in shape to raise forage crops for winter use of the live stock. This industry is dependent upon grazing in the summer months. The time has come when indiscriminate grazing is a detriment instead of a matter of value. The Government should lease these lands that are classified as grazing lands in some equitable manner to the local residents of the grazing districts so that they may protect the grazing value of the lands and use them at their best time of the year suitable to the industry. No hard and fixed rule can be laid down for the various conditions that can and must be met. Therefore it is essential that as much local control as possible should be given in the matter of administration of these lands. Second, these leases should be individual as nearly as possible as no two men will want to run their cattle alike even on lands joining.

The past winter has been the worst in the annals of the live-stock industry. For the cattlemen it is the worst, as they have gone to no end of expense in order to provide feed for their stock in order to keep them alive and in condition to go ahead on grass. With the condition that our ranges were left last fall without any feed it leaves the great majority of them in the position of having to turn their stock on bare ranges and left to drift. It matters not what prices may be realized this coming summer and fall for good beef, the fact remains that the great majority will only have gotten into the feeder class by the time they are ready to be shipped and the best of prices will not clear up the expense of the past winter for two or three years. Only by being able to give their stock the most careful attention will stockmen be able to weather the past two dry years and the bad winter.

It is absolutely necessary that if we continue in the business that we be allowed to make it a permanent one in a permanent place and not be required to roam all over the country in search of grass for our stock.

My personal opinion is that the Lever bill will as near meet the needs of the stockmen as it is possible at this time to draft a bill of that kind. It must necessarily be tried out and some changes will no doubt have to be made. The only thing for the permanency of the live-stock industry that I would suggest is that these lands should only be leased until such time as the lands may be impartially and equitably allotted, then, I believe, after the first 10-year lease has expired, that one-third of the lands should be sold to the lessee at a fixed price. I would say the roughest portion. In five years more another third should be sold and in another five years the remaining third. What the West wants is a chance to put her industries on a permanent basis and to get her lands on the tax lists the same as the Eastern States enjoy.

Very truly,

J. C. UNDERWOOD.

[Letter from Woodruff Ball, of Valentine, Nebr., member of standing committee on forest reserves and grazing lands of American National Live Stock Association.]

VALENTINE, NEBR., *April 30, 1912.*

T. W. TOMLINSON,
Washington, D. C.

MY DEAR TOMLINSON: Your favor of the 26th at hand and contents noted. Regret that I can not personally go to Washington in behalf of this lease bill.

Speaking of conditions in western Nebraska and the sand hills in particular, would say that while the proportion of public land left is small, still that, to my mind, is the strongest argument in favor of a lease bill. The sand hills are not agricultural land, never were, and it doubtless will be many years before they will be, and the public land left to-day is of the poorest quality, and even the low Government price of \$1.25 per acre is too much to pay for it. When viewed from a grazing standpoint, the feeding value is not there, as experience has shown that it requires 20 to 25 acres to summer one animal. This ratio is now enforced on all the Government forest reserves in this State. To crowd that allowance renders that land useless, as the grass is soon tramped out and the wind blows it full of holes.

Some time in the future a use will be found for these sand hills where they can be advantageously cultivated in small tracts, but under the present policy of the Government, when that time arrives it will all be held in large tracts for speculative purposes, and the small, poor man can not get a look in. To my mind, the wiser course to pursue, both for the present and future generations, would be to classify these lands as grazing lands, hold the title in the Government, and lease them for grazing purposes until the other use is discovered, when they can be homesteaded in small tracts again.

Under the present policy one of two conditions only can be the outcome. If the cattlemen are compelled to buy in this land as fast as it comes on the market to protect what they already have and thereby materially increase their investment and interest charges, they must receive a corresponding increase in the price of their product, and what that means to the already sorely tried consumer the committee must appreciate. If this increase can not be wrung from the packers and consumers, then the cattleman must quit the business. This many have already done to follow more profitable lines.

At present, we don't dare fence an acre of Government land. This works for gross waste in operation, so to speak. Were we to be allowed to lease this land and fence it along with the deeded lands, then every acre would be used and its feeding value conserved, for it is a well-established fact that where this land can be judiciously handled its grasses improve, but as handled at present, everybody believing each year to be the last, they overstock it. In this connection I must cite you to a report made on conditions covering the Niobrara Forest Reserve and adjacent ranges. This report was mentioned by Assistant Forester Barnes at our Los Angeles meeting in January, 1909. This will prove my point beyond a question.

As to the character of these sand-hill lands, would cite you to a report made by Assistant Forester Redington of the Denver forestry bureau office after an exhaustive personal investigation.

Personally have always been bitterly opposed to this policy of enlarged homestead acts and the mad desire of the Government to dispose of its public domain, for they are playing directly into the hands of men with large means as against the future wants of homesteaders on small tracts.

Since the enactment of the Kinkaid law in Nebraska, the number of the insane and county poor in this (Cherry) county has increased out of all proportion to the increase in population, due entirely to this present confidence game played by the Government, railroads, and locators, for such lands as could be homesteaded in the sand hills during, say, the past five years are of such quality that a man can not do nearly so well with 640 acres as he could formerly with 160.

The committee should see that in the last analysis this lease bill is not an entirely selfish proposition proposed and demanded by the stockmen, but that it has a much broader purpose viewed in an economic and humanic sense.

Yours, very truly,

WOODRUFF BALL.

[Letter from William Harrell, secretary of the Panhandle & Southwestern Stockmen's Association, of Texas and New Mexico.]

AMARIELO, TEX., April 29, 1912.

T. W. TOMLINSON,
Secretary American National Live Stock Association,
Washington, D. C.

DEAR SIR: I have yours of 26th, written just before starting to the Capital. Answering, I wish to impress upon you the importance of the passing of the bill which we designate as the leasing law, now before the House Lands Committee; and that we heartily indorse the recommendations of the American National Live Stock Association, and hope you may be successful.

Yours, truly,

WM. HARRELL, *Secretary*.

**STATEMENT OF HON. H. S. GRAVES, CHIEF FORESTER,
DEPARTMENT OF AGRICULTURE.**

Mr. GRAVES. Mr. Chairman, my direct interest in this matter before your committee lies in the fact that I have charge of the Forest Service, which directs the grazing work of the national forests. It is my understanding that the purpose of this measure is to extend over the public range a system of range control which is not analogous to that in operation in the national forests, but necessarily adapted to the special conditions of the unreserved public lands.

The Department of Agriculture has been engaged in studying this question of range control since some 12 or 13 years ago. In fact, the beginning was made at the time of my previous connection with the department, when Mr. Coville and Mr. Pinchot, with his staff, and Mr. Potter, who is now associate forester, took up the whole study of the effect of grazing on forest production and problems connected with the production of grass.

Mr. Potter was placed in charge of the organization of the grazing administration of the national forests when these were transferred to the Department of Agriculture from the Department of the Interior, in 1905, and the present procedure represents the result of the experience during that period of time, and while there have been a great many difficulties, and while there are to-day local difficulties here and there, the system is in successful operation.

Although the system has been in effect a comparatively short time, we hope we can show that there have been certain results already accomplished. I wish to enumerate these very briefly, for it is expected that the same results may be secured through regulation of the public range. Mr. Potter, who is here, has had everything to do with the development of this system, and I wish you would call upon him for such questions as you wish to ask, as personally I am not a practical stockman.

The results of the regulation of grazing on the national forests are as follows:

1. The prevention, reduction, and elimination of destructive methods of use and the prevention of waste.
2. The restoration of the normal producing capacity of the grazing lands.
3. Greater stability to the live-stock industry depending upon the national forest ranges, due to protection from unfair competition,

assurance of permanency in the use of the range, and a guaranty to settlers to a fair share of the range.

4. Material improvement in the character and grades of live stock produced, larger percentages of annual increase, heavier beef cattle, lambs, and wool clips.

5. Reduced losses from droughts, shortage of feed, disease, wild animals, and other causes.

6. Greater net monetary returns to the stock grower.

These results have been accomplished in the following ways: First, by an equitable division of the ranges between different kinds of live stock and the different classes of stock growers; second, by a proper limitation of the number and kind of stock allowed to occupy the different ranges; third, by careful determination of the periods in which the forage may be utilized without destruction of the valuable plants or denudation of the range; fourth, by the application of improved methods of range management.

We have in the Forest Service a simple, economical, and effective organization for the management of the grazing business. Mr. Potter, our associate forester, has personal direction of the work. In the branch of grazing in the Washington office there is an assistant forester reporting to Mr. Potter, who is assisted in his administration by two inspectors of grazing. In the field the work is closely coordinated with other administrative work of the service. In each district office there is an office of grazing with an assistant district forester in charge. In the forests the work is, of course, in charge of the supervisors and, in turn, under them the rangers have immediate oversight of the work on the ground. We have, therefore, in the Forest Service a technical force of men trained in the work of range control.

Calculating the amount of time that the various administrative offices devote annually to grazing, I estimate that the cost of the work on the national forests for grazing amounts to about \$360,000. The receipts from grazing the last fiscal year amounted to something over \$935,000. That figure may be of interest to the committee in connection with this bill in judging the cost of administration. If this bill were to pass, the Secretary of Agriculture would naturally utilize the organization which he already has in the field and add such men as are necessary to carry on the additional burden.

Mr. Chairman, that is all I have to say as to those specific features, and anything connected with the technical matters I shall have to refer to Mr. Potter.

Mr. MONDELL. May I ask Mr. Graves one or two questions? Of course you realize, Mr. Graves, that the public domain as to its character is so widely different from the areas included in the forest reserves that there would be a great many problems which you do not have to meet, a great many settlement problems which you do not have to meet, a great many problems with regard to the rights of adjacent owners which you do not have to meet except in a limited way. It would not be so simple a problem, by any manner of means.

Mr. GRAVES. I appreciate that.

Mr. MONDELL. And the problem as you have it is not the same.

Mr. GRAVES. I merely wished to present those few facts regarding our organization for what they may be worth.

The CHAIRMAN. Mr. Cowan wishes to make a brief statement in addition to that which he made yesterday.

ADDITIONAL STATEMENT OF MR. S. H. COWAN, OF FORT WORTH, TEX.

MR. COWAN. Mr. Chairman, I want to clear up the idea suggested in some of the questions with regard to the interest of the large cattle owners by saying that mainly the large corporations and the large individual cattle owners are interested in this matter only to the extent that the cattle industry as a whole may be benefited. Nearly all the large owners in Texas are interested in this only on account of the fact that it furnishes to the small man the opportunity to keep up. The Matador Co., for example, and many others that I might mention, do not want the land. They have an ample supply of their own, but so far as Texas and eastern New Mexico are concerned, the object of the large cattle owners is not themselves to get, neither could they use, the public range by leasing, but it would be a matter of vast benefit in the marketing and selling of cattle.

Mr. Riddle, representing the American Live Stock & Land Co., purchases about one-third, I believe, of the entire output of 2-year-old steers in Texas and New Mexico. Having purchased them for his company, he then sells these cattle in small bunches to various people up North who take them and graze them and finish them, because cattle acquire larger size by taking them from southern breeding grounds to the North. The benefit to the large cattle growers would come more from the fact that, having a permanent market and a place where the cattle can grow and mature, they grow so much larger. A steer taken from Texas to Montana would weigh about 250 to 300 pounds more at 4 years old when he is carried up there at 2 years old than he will if matured in Arizona, New Mexico, or Texas. Many of these steers go in turn to Missouri River markets. The large cattlemen's interest is not so much to get the land as to propagate the business.

MR. TAYLOR. The big cattleman, of course, does not want to get the land; he just wants to get the grass off the land?

MR. COWAN. No.

MR. TAYLOR. Mr. Murdo Mackenzie is now representing the Brazilian Cattle Co.?

MR. COWAN. Oh, yes.

MR. TAYLOR. That is controlled by the Standard Oil Co., isn't it?

MR. COWAN. I could not tell you who controls it. But suppose it is; even if the Standard Oil Co. is developing 10,000,000 acres of land for the development of the world, it is a good thing. These men—and you know that, too, Mr. Taylor—are among the most patriotic and progressive men.

MR. TAYLOR. There is no question about that.

MR. COWAN. And the big sheepmen, the same way.

MR. TAYLOR. It would be greatly to the interest of the cattlemen of southern Texas, New Mexico, and Arizona if all the public lands in the Western States could be virtually retained for years for pasture purposes? It would undoubtedly be of benefit to those stock interests?

MR. COWAN. Oh, yes.

Mr. TAYLOR. It is only a question as to whether the welfare of those States and their growth would be furthered.

Mr. COWAN. It would be a great benefit to the welfare of the States. I just want to disabuse the minds of the committee of the idea that there is a selfish interest further than that which would benefit the general public in having new lands in the Northwest and up to Canada under such private control that the people living on them will have that character of control that they could afford to become producers.

Mr. TAYLOR. Did you ever see a bull fight in the City of Mexico?

Mr. COWAN. No; I have seen one in Juarez.

Mr. TAYLOR. You know what a matador is, don't you?

Mr. COWAN. Oh, yes; yes.

Mr. TAYLOR. He is the fellow dressed in gaudy attire who comes out with a flourish and sticks the sword into the bull and kills him. In view of the Matador Cattle Co. being one of the principal sponsors for this public land-leasing bill, did it ever occur to you that there was any peculiar significance or coincidence between that name and the inevitable effect of this bill upon homestead settlements?

Mr. COWAN. Oh, no. Practically all the people in the Matador pasture of 7,000 acres down there in Texas have largely acquired their living by working for the company, taking up the land, and there has never been a single case of killing, murder, or anything of the kind in all that great pasture.

Mr. RAKER. Just one question. Have you had any experience with regard to the cattle business in California?

Mr. COWAN. None at all.

Mr. RAKER. In Oregon?

Mr. COWAN. None at all.

Mr. RAKER. In Nevada?

Mr. COWAN. None at all.

Mr. RAKER. Isn't it a fact that the method you have described here as to the turning it over to the large stock interests would practically be the ruination of the small stock owners in California, Oregon, and Nevada?

Mr. COWAN. We would not turn it over to the large stock owners; we do not propose to. Ninety per cent of the men of these associations which comprise the American National Live Stock Association—90 per cent of the members of the Texas Cattle Raisers' Association—are men with less than 500 cattle.

Mr. MONDELL. Judge, this plan is referred to generally as Federal or public control of the range. I notice that you refer to it continually as private control of the range. I suppose you assume that, taking the problem by and large, in all its bearings, either term is applicable?

Mr. COWAN. The terms are not as conflicting as they may seem. Either term is applicable. What I mean is that the Government grants the individual the right to dominion over the place where the individual does his business.

Mr. MONDELL. The benefits that have come to Texas and elsewhere through a leasing system have been most pronounced as the conditions drew nearest those of private ownership?

Mr. COWAN. Undoubtedly. The nearer you can come to private ownership of the place where a man does his business the better off the country is. There is no doubt of that.

Mr. TAYLOR. If the Forest Service and the administration would permit the people that want to use this public domain ultimately to buy it, that would be the ideal and best way of developing the country, would it not?

Mr. COWAN. As a citizen, Mr. Taylor, I thoroughly agree with that, except that where for the public benefit it may be necessary to reserve some of the forest—and I mean by that, where there is timber—that should be reserved, but there is a good deal of it that had better be sold. Of course, I am not speaking for our association, but simply as a citizen.

The CHAIRMAN. We will hear from Mr. Potter, associate forester.

**STATEMENT OF HON. A. F. POTTER, ASSOCIATE FORESTER,
DEPARTMENT OF AGRICULTURE.**

Mr. POTTER. With the permission of the committee I would like first to tell you something of my practical experience in handling live stock upon the range, because I think a brief story of that experience will bring out a good many important points which bear upon the question now before you.

I went to Arizona in the fall of 1882 when I was not much more than a kid, and in 1883 engaged in the cattle business in partnership with a gentleman who is still in Arizona Mr. Woods the sheriff of Navajo County. We started in in a small way. We had money enough to buy a few cattle and we succeeded in borrowing enough more to purchase about 300 head of cattle. Range conditions were good then; there was lots of room and not very many cattle. The cattle remained fat the year around. We could gather beef, and did gather beef, to sell to the Los Angeles butchers in any month of the year.

The first difficulty we had to contend with was an influx of sheepmen from New Mexico. They came in two big outfits each with about 25 000 head of sheep with their herders one coming up one side of the river and the other coming up the other. They came there in the spring when the grass was first starting going on through to the mountains staying there during the summer time and then coming back over the range in the fall. Of course the only thing that we could do under those circumstances was to do what all the other stockmen did in the West—try to protect ourselves as best we could. It brought on one of those range wars which the stockmen of that country engaged in under about the same methods as were adopted by stockmen in other sections of the country.

That condition existed for two or three years, and then we found that we had to contend with the coming in of the big cattle outfits. The cattle business was prosperous, and everybody wanted to get into cattle raising. In the years of 1885 and 1886 immense droves of cattle were brought into that country from Texas and Mexico. By that time we found that we could not gather fat steers any more in the winter months. So we looked about and concluded that shipping our steers to California was the best proposition.

Following this plan, in the winter of 1888 we gathered our steers, shipped them to California, and fattened them on alfalfa fields at Bakersfield. We came out very well, netting on that bunch about \$35 per head. The next winter we gathered our steers again, contracted pasture in California, shipped them out there, and in order

to be sure that everything was all right, telegraphed on the day we shipped them. The answer came, "Pasture all right; come ahead."

A very heavy rainstorm started that day, however, and when we got to California we ran into a series of washouts. When we arrived at the pasture you could go over it on a boat. We had to put those cattle out on high ground and buy hay. Of course the price of hay went up, and as a result, on that bunch we netted about \$8.50 per head. One of these big cattle outfits that I told you about, located very close to the ranch of my partner and myself, and during 1885 they close herded about 1,000 head of cattle during the entire summer across on the hills adjacent to our ranch where we had been in the habit of pasturing our horses. That made it necessary to go out in the unused country and develop new watering places. New outfits continued to ship in cattle without any regard to the carrying capacity of the range. It seemed that all they wanted was a place big enough to turn them loose on, and then they took a chance on the cattle rustling their own feed. The result was a very serious overstocking of the range which brought about a gradual deterioration in the condition of the stock.

In 1890 we found ourselves facing a severe drought with the range overstocked and with the cattle only in fair condition. There were immense losses during the following two years, 1891 and 1892. By that time my partner and myself had built our herd up to between 1,200 and 1,500 head of cattle. After we had passed through this drought, like many of the other stockmen, we became discouraged and waited for a chance to get out of the business and try something else which would be more profitable. We held on until 1894, when we were able to contract our cattle at what was then a good price. We rounded up for two years, 1895 and 1896, and succeeded in gathering about 420 head of cattle, so that we actually lost about two-thirds of our herd. Of course, the secretaries of some of the larger cattle outfits were required to make reports to the stockholders, some of them in New York, some in Boston and other places, and they had to give a reason for the diminished number of stock. It was assumed by some of them that probably the cattle had drifted down into the Indian reservation, and probably next spring's round-up would find them. Well, on the next spring's round-up they sent extra men down into that country, but did not find the stock, so they thought that possibly the rustlers or cattle thieves had got a big lot of them and driven them off into Utah and Colorado. Then they sent men up into that country, but did not find them up there. So at the end of about the third year they concluded that as a matter of fact the cattle had really died. That also brings out the fact that some of these people were really broke for about two years before they found it out.

The main trouble was we had no control over our business, so that when I sold my cattle I resolved that I would not enter into the cattle business again until the conditions were such that I could have control over the range needed for pasturing my cattle. In the fall of 1896 the result of the presidential election in my opinion, being favorable to an increase in the price of sheep, I contracted sheep at \$1.35 to \$1.50 per head and engaged in the sheep business for the reason that in that business one did have control over the stock. If you lost them you knew it and knew where you were at. I followed the sheep business for a number of years and was fairly prosperous in it.

In 1900 the range outlook was very bad again and fearing a repetition of what had taken place 10 years before upon receiving an offer of a good price for my stock I concluded that the wisest thing to do was to sell it and temporarily go out of the business until range conditions became more favorable. So in the fall of 1900 I sold out.

Mr. RAKER. Mr. Potter I think you made a mistake in the dates when you said 1900.

Mr. POTTER. I mean that from 1883 to 1890 was the prosperous time and that 1891 and 1892 were the bad years. In 1895 and 1896 we cleaned up our cattle and sold out. In 1896 I bought the sheep and sold out entirely in 1900.

The main point I wanted to make was that whether the stock business was conducted with profit or loss in that country at that time was largely dependent upon whether or not you had control of your stock. The sheepmen made money through these adverse conditions because they had their stock under control and because they could take advantage of the grass. That is where they had the big advantage of the cattlemen. If there was good grass in a certain part of the country the sheepman had his stock under control and could take them to it. The cattleman however even if he knew where the good grass was, and knew where his cattle were, might find it impossible to round them up and move them in time to secure any benefits from it.

During 1898 a forest reserve was created in the mountains there, and then we had to deal with the department in the matter of grazing privileges in the forests. At that time I was secretary of the eastern division of the Arizona Wool Growers' Association, and was sent to Washington as their representative to take up with the Secretary of the Interior the question of grazing privileges on the national forests. I became well acquainted with Mr. Pinchot, and succeeded in inducing the Secretary to send Mr. Coville and Mr. Pinchot out to Arizona the following year to make an investigation of the range conditions there in order that they might decide as to what their policy would be in handling the grazing in the future.

When Mr. Pinchot learned in the spring of 1901 that I had sold out my sheep interests he wrote me asking if I would consider a proposition to enter the Government service. At that time it appeared to offer a good opportunity to do a lot of good in bringing about closer cooperation between the Government and the stockman, and therefore I accepted his offer and entered the Government service. My first work was in the examination of the boundaries of proposed forest reserves. Now, I found even at that early date there were a great many petitions for the inclusion of lands within the national forests which apparently were made for the purpose of getting grazing lands into the forests in order that they might be brought under some system of control. We had to make unfavorable recommendations on a good many areas where that was done. There were, however, a good many such areas included, and within the last three years there have been eliminated from the exterior limits of the forests some 3,000,000 acres of land found to be chiefly of that character.

In reference to those eliminations there have been a great many protests, a great many petitions, some on file now, protesting against the elimination of these grazing lands. These protests are coming from the small settlers, saying they can not maintain their business

and compete on the open range with the big stockmen, and that they need the Government's help to get their share of the range.

I think that is one of the main reasons why the stockmen have endeavored to include grazing lands within the forest reserves. It is because we have been able to bring about a satisfactory adjustment of affairs with regard to the lands which have properly been included in the forests. They can legally construct fences within national forests which they can not do on the outside range. And the fences are necessary to the proper handling of cattle which are not close herded.

We have allowed under permit the construction of drift fences within the national forests wherever they appeared to be necessary for a proper adjustment and distribution of grazing and proper control of the stock, and such permits have been issued covering the construction of over 2,100 miles of drift fences within the national forests. We have also allowed the stockmen to fence little pastures, pastures that they needed for holding their thoroughbred bulls; pastures they needed to hold their steers when they were being gathered; pastures they needed for holding their saddle horses. Those pastures are restricted to areas not exceeding 320 acres, but in some exceptional cases we have allowed pastures of greater area than that.

Under that regulation some 4,000 permits have been issued for these little pastures, and this has been a great help to the stockmen, enabling them to handle their business in a better way.

Another thing we have done is to encourage the development of water by giving some kind of control over the area adjacent, issuing permits for the construction of reservoirs and the development of seeps. Many little seeps which apparently were nothing but mud holes, have been cleaned out and nice watering places made for 100 or 150 head of cattle.

Where it has seemed necessary to fence those places we have allowed the construction of fences around them, making inclosures of not exceeding 40 acres, and charging for that inclosure a nominal rental of \$2 a year. Under that encouragement there have been over 1,000 watering places developed on the national forest range.

This has been done very largely by small owners. The total number of stock grazed on national forests under permit is 1,500,000 head of cattle and horses. They are owned by over 20,000 different owners, an average of only 70 head to the owner. We have about 7,450,000 head of sheep owned, by about 5,000 different owners, an average of about 1,450 sheep to the owner. The records of the permits issued by the Forest Service show very clearly that from year to year there is a gradual and slight increase in the number of small permittees.

MR. PICKETT. You are speaking exclusively of the cattle coming under your jurisdiction?

MR. POTTER. Cattle and sheep, both, Mr. Pickett.

MR. PICKETT. On the forest reserves?

MR. POTTER. Entirely on the forest reserves. Since the passage of the act of June 11, 1906, over 8,000 settlers have come into the national forests who have taken up places there and undertaken to establish homes. Many of them have been encouraged in doing this by the fact that they know they will have protection in small grazing privileges within the vicinity of their ranches. Although there has

been considerable criticism of the policy of the Forest Service in reference to the listing of lands under the forest homestead act, I have not yet heard of a single instance of complaint that the issuance of grazing permits upon the range had resulted in keeping the settlers out. That has not been the case. The settlers are anxious to get in there on this range that is under a system of control and that is being used by permittees, feeling that they will have a chance under that condition to get protection in the use of such small amounts of range as may be necessary for the successful establishment of their homes.

It has been a custom in the allotment of grazing privileges on the national forests to recognize just as far as we could priority in the use of the range; that is, to allow the stockman who was there at the time the forest was created to continue to use it, and to make reductions in the number of stock only for two purposes: First, to prevent damage to the forest, and, second, to provide for taking care of new bona fide settlers in the country. Not a single one of the larger permittees on the national forests has ever expressed to me any opposition to that policy. They all agree that it is a perfectly fair proposition, and they must concede that their past use of the range can not be urged in any way to block the development of the country but that they must give way to the bona fide new settlers.

The main advantages that have been gained through the regulation of grazing on the national forests, I think, are that greater stability has been given to the business; that is, that the stockman feels that he can figure on something ahead, that he knows where he is at. One of my friends in Arizona said to me, "I know in reference to my range on the national forest that when I go up there I am going to find grass and not sheep tracks." They feel in reference to these allotments on the national forest that if there is grass there they are going to get it. And it is the fact that they can get these privileges which are necessary for the successful carrying on of their business, these privileges which are necessary to enable them to improve their stock and enable them to put their business on a better paying basis which has brought about the support of the stockmen to the system which has been inaugurated on the national forests.

The CHAIRMAN. We will resume the hearings on Tuesday, unless something arises to prevent.

Mr. TOMLINSON. Mr. Taylor seems to be suffering from the hallucination that this report comes from the big men. I desire to read into the record a telegram from Delta, Colo., from Mr. J. B. Killian, president of the Delta County Stock Growers' Association, an organization of about 300 stockmen, none of whom has over 300 head of cattle, indorsing this particular bill. It reads as follows:

DELTA, COLO., April 30, 1912.

T. W. TOMLINSON,
The Willard, Washington, D. C.:

No question as to the growing necessity of a law controlling the grazing of live stock on all public domains. Present historic methods impracticable, unbusinesslike, and a menace to the peace of commonwealths. The sentiment of our people and my sentiments as your committee are that you urge Congress to act at once.

J. B. KILLIAN.

Thereupon, at 11.55 o'clock a. m., the committee adjourned to meet Tuesday, May 7, 1912, at 10 o'clock a. m.

COMMITTEE ON THE PUBLIC LANDS,
HOUSE OF REPRESENTATIVES,
Washington, D. C., May 7, 1912.

The committee met at 10.15 o'clock a. m.

Present: Messrs. Robinson (chairman), Taylor, Raker, Rubey, Fergusson, Mondell, Speer, Graham, and Pray.

The CHAIRMAN. We will hear Mr. Tomlinson for a few minutes.

ADDITIONAL STATEMENT OF MR. T. W. TOMLINSON, SECRETARY AMERICAN LIVE STOCK ASSOCIATION.

MR. TOMLINSON. Mr. Chairman and gentlemen, since I had the pleasure of appearing before you on Saturday I have had an opportunity to talk with a few Senators and Congressmen regarding the provisions of this Lever bill (H. R. 19057), and I find a general feeling among some of the Congressmen and Senators that part of the live-stock men in their districts do not favor this bill. I am constrained to believe that they are vastly in the minority. However, our association has no desire to force or urge a bill upon this committee which does not meet the support of the majority of the live-stock people using the semiarid unappropriated range.

Therefore, for the purpose of largely meeting these objections and the criticisms of some of the members of this committee, I suggest that the Lever bill be modified by the insertion of this clause after the word "practicable," line 9, page 1: "Upon petition of a majority of the owners of live stock using the unappropriated public lands in said districts." With this clause in the bill, it will readily be seen that if the sheepmen in any district, or the cattlemen, or horsemen, a majority of them, do not desire to have the lease law put into effect, or grazing districts established, they need not petition. It would then give absolute local control; in fact, local initiative.

MR. TAYLOR. Would you be willing to make it a majority of the taxpayers of the district?

MR. TOMLINSON. I hardly think that would be a fair provision. A great many taxpayers would not be interested in the grazing of live stock on the open range. That would not seem to me a fair restriction to put in the bill. I am quite willing, however, to say that not only a majority of the users, but a majority of the stock, should be represented by the petition. Personally I would be inclined to make it slightly over a majority, but I think a majority ought to be sufficient. That clause, I think, answers most of the objections to the bill. We are very keen to have such legislation passed, and are willing to do almost anything within reason to meet objections of those who feel that their constituents do not desire this kind of legislation.

MR. RAKER. The gentleman has stated that he has consulted with Senators and Congressmen. Would you have any objection to stating the names of those you have consulted with?

MR. TOMLINSON. I have particularly talked with Senator Fall, of New Mexico.

MR. RAKER. Anyone else?

MR. TOMLINSON. I had a little talk with Representative George Curry.

Mr. RAKER. Are those the only ones you have talked with in regard to the matter?

Mr. TOMLINSON. Those are the only ones; my most extended talk was with Senator Fall.

Mr. RAKER. Then your statement that you have talked with Senators and Representatives from the West would apply to those two?

Mr. TOMLINSON. I mentioned it to Congressmen Mondell, Rucker, and Jackson as well.

Mr. FERGUSON. Is Senator Fall in favor of this bill?

Mr. TOMLINSON. He said that with that modification he thought it would be satisfactory to the southern part of New Mexico, and the northern part, if he understood the situation correctly, would not petition to establish the grazing district. He particularly had in mind some of the small Mexican sheepmen.

The CHAIRMAN. What qualifications would you prescribe for the petitioner? How would you determine when a man was a qualified petitioner?

Mr. TOMLINSON. Oh, he would have to make affidavit that he owned a certain amount of stock and used the public range. I should not think it would be necessary to go further than that. Let him make a sworn affidavit that he was user of the open range and had grazed a certain number of head of stock on it.

Mr. RAKER. Limited to any number? If he had one, two, three, or four head and used the range, you would consider him one of the qualified petitioners?

Mr. TOMLINSON. I think so; yes, sir.

Mr. TAYLOR. Would you be willing to have the board of county commissioners of the county pass upon it also?

Mr. TOMLINSON. Pass upon the—

Mr. TAYLOR. Upon the question of whether or not land in each county should be leased. The county commissioners are usually supposed to guard the welfare of each county—

Mr. TOMLINSON. I think that the opinion of the users of the range ought to be superior to that of the county commissioners. I would not believe it advisable to have the county commissioners pass upon the petition.

Mr. TAYLOR. Is not the board of county commissioners elected by the people of each county to represent the business interests and general welfare of the county?

Mr. TOMLINSON. Presumably; yes.

Mr. TAYLOR. You do not mean to say they do not do so usually?

Mr. TOMLINSON. No; far from it.

Mr. TAYLOR. Would it not be appropriate then for them to be consulted about what was done with the land over which they have jurisdiction?

Mr. TOMLINSON. I actually believe the judgment of the users of the range is far superior to that of any of the local county officers, and I think you are minimizing the whole question by leaving it to some local county officers. A district might take in several counties. It might embrace a whole congressional district.

Mr. TAYLOR. It might take in the whole State or the western 15 States.

Mr. TOMLINSON. It depends upon how large a number of petitioners applied for grazing districts, whether it took in one county or two or three.

I thank you, gentlemen.

The CHAIRMAN. Gentlemen of the committee, do you desire to adjourn now in view of the fact that the House is in session?

Mr. RAKER. I think we ought to adjourn.

The CHAIRMAN. The question is to set a time to conclude the hearings on this matter, so these gentlemen may be apprised of whether they may be heard. I suggest Friday.

Mr. RAKER. Friday is satisfactory to me.

The CHAIRMAN. Friday, then, we will take up the hearings on the grazing bill.

Thereupon, at 10.30 o'clock a. m., the committee adjourned to meet Friday, May 10, 1912, at 10 o'clock a. m.

COMMITTEE ON THE PUBLIC LANDS.

HOUSE OF REPRESENTATIVES,

Washington, D. C., May 10, 1912.

The committee met at 10 o'clock a. m., Hon. Joseph T. Robinson (chairman) presiding, a quorum being present.

STATEMENT OF MR. ALBERT F. POTTER, ASSISTANT CHIEF, FOREST SERVICE, DEPARTMENT OF AGRICULTURE, WASHINGTON, D. C.

The CHAIRMAN. Mr. Potter, I believe you have completed your direct statement. Are there any additional statements you desire to make?

Mr. POTTER. I might add just a little, Mr. Chairman.

The CHAIRMAN. Then proceed, Mr. Potter.

Mr. POTTER. In reference to whether the small owners and settlers were desirous of having some system of regulating the use of public grazing lands, I mentioned the fact in my statement the other day that numerous petitions had been received by the Forester from settlers protesting against the elimination of grazing lands from the forests, for the reason that they had received great benefits from the protection afforded by national forest regulations.

Mr. MONDELL. That they had received benefits by having others excluded from the territory they occupied?

Mr. POTTER. That is the idea. Here are three or four of those petitions, and I want to read one or two of them to the committee.

There is one in reference to the Lemhi and one in reference to the Payette National Forests, where action has been taken eliminating the areas in both cases, and one in reference to the Wallowa National Forest in Oregon, and one in reference to the White River National Forest in Colorado, where action has not yet been taken, but the settlers are protesting against the land being eliminated, for the reason that they desire to have the regulation for grazing continued.

The CHAIRMAN. They will be made a part of this record.

EXHIBIT I.

LEMHI NATIONAL FOREST.

SECRETARY WILSON, *Ogden, Utah.*

SIR: We, the undersigned ranch owners and stock growers living adjacent to the Lemhi National Forest, do hereby petition that you use your influence to prevent the elimination of any considerable area of the above-named forest, and we further pray that the mountainous timbered country now outside the forest be added.

We have had two years' experience under the Forest Service regulations and have found them to be very beneficial in the equalization of the usage of the range, in the protection of the timber from destruction by fire, in the protection of the water sheds by not allowing overgrazing.

J. W. Swauger; A. R. White; John McKelvey; S. M. Ivie, D. P. Wells; A. W. Lambson; J. H. Baxter; Ben Muir; Sherman F. Furey; C. T. Longhurst; Chas. B. Lemon; Jno. H. Burnett; Chas. W. Morrison; W. C. King; C. E. Haynes; Herbert Gray; F. R. Harris; Sarah C. Lemmon; A. E. Stoddard; Mile Knapp; Joseph P. Dickey; S. Edrington; Frank Anthony; Geo. R. Miller; William H. Cherry; W. F. Taylor; John G. Richardson; Chris Jensen; B. A. Pearson; U. M. Savaria; G. W. Wallhmn; W. H. Bahr; Nicholas Teranson; John Jamson; F. P. Swauger; C. E. Dyer; W. J. Harris; Dick Ivie; Peter Donahue; Geo. F. Kent; T. J. Prithcett; Daniela W. Woods; Joseph Vanous; L. H. Evans; W. H. Perkins; Elmer Beck; Christ Rogers; D. M. Burnett; Evan Harris; John J. Lemmon; Wm. Harris; David O. Hagan; F. E. Franklin; Mart. Houston; Fred Snively; S. C. Thomson; Wiley Jones; J. W. Stoddard; E. C. Richardson; E. S. Crawford; C. D. Lemon; A. N. Anderson; A. F. King; Peter Bursledt; Frank E. Harger; M. S. Vaught; Thos. Ivie; Edward McKelvey; L. F. Ivie; Levi Warren; A. B. Lambson; S. M. Miller; C. H. Furey; E. A. Melton; Urban Evans; Alden S. Ivie; B. M. Gray; Ernest Paetsch; J. W. Beck; W. M. Rolls; Joe Rabido; Erian Harris; Sam F. Taylor; J. M. Franklin; Chas. Warren; Wm. Fricke; Thos. Donahue; R. H. Ewing; Marion Hodgson; C. E. Judd; J. B. McClellan; B. F. Morrison; Mrs. Alex. Boyle; C. C. Jones; E. S. McGune; S. Callagan.

EXHIBIT 2.

PAYETTE NATIONAL FOREST.

The honorable the SECRETARY OF AGRICULTURE,
Washington, D. C.:

We, the undersigned residents in or near the Payette National Forest, State of Idaho, being informed that an examination of the boundaries of said forest is being made with the view of eliminating such grazing lands as are included within this forest, desire to protest against the elimination of said lands. We believe the protection given the livestock industry under the Forest Service is a benefit to the stock raiser and the range, and we have no desire to return to the old system of "open range;" therefore we respectfully request that no grazing lands be eliminated from the Payette National Forest, and that this petition be presented to the proper authorities for consideration.

G. W. Holbrook, Ola, Idaho; A. M. Beach, Ola, Idaho; Wm. Pinegar, Ola, Idaho; Sherman Glenn, Ola, Idaho; Cyrus William, Gross, Idaho; N. S. McCullough, Gross, Idaho; D. W. Kenned, Ola, Idaho; E. T. Whitelock, Ola, Idaho; Wm. Bowman, Ola, Idaho; C. T. Ritter, Ola, Idaho; J. C. Loyd, Ola, Idaho; J. T. Glenn, Ola, Idaho; W. H. Otto, Ola, Idaho; L. L. Saxton, Ola, Idaho; John Buckmaster, Ola, Idaho; Wm. Perron, Ola, Idaho; Irb Demasters, Ola, Idaho; M. G. Voughn, Ola, Idaho; Edwin Johnson, Ola, Idaho; Louis S. Park, Ola, Idaho; Will McIvory, Ola, Idaho; C. E. Williams, Ola, Idaho; Geo. G. Whitlock, Ola, Idaho; Elmer Williams, Ola, Idaho; N. F. Steiner, Ola, Idaho; J. R. Busted, Ola, Idaho; W. A. Williams, Ola, Idaho; G. L. Pennington, Ola, Idaho; Gus Linebarger, Ola, Idaho; Joseph Beal, Ola, Idaho; M. Huertson, Ola, Idaho; Robert Holbrook, Ola, Idaho; Frank Perron, Ola, Idaho; Ben Williams, Ola, Idaho; Wm. Braddock, Ola,

Idaho; Joe Cosezens, Ola, Idaho; W. H. McConnell, Ola, Idaho; Frank Holbrook, Ola, Idaho; Geo. H. Hewitson, Ola, Idaho; J. Demaster, Ola, Idaho; Richard Grak, Gross, Idaho; B. F. Tufford, Ola, Idaho; Marley Baer, Ola, Idaho; J. R. Houghes, Ola, Idaho; Ollie Bowman, Ola, Idaho; Thos. W. Walker, Ola, Idaho; Harley Johnson, Ola, Idaho; George Perron, Ola, Idaho; John Little, Ola, Idaho; John C. Beane, Ola, Idaho; C. G. Chambers, Sweet, Idaho; W. F. Williams, Ola, Idaho; W. E. Demasters, Ola, Idaho; Geo. W. Holbrook, Ola, Idaho; E. S. Miller, Ola, Idaho; Robert Arbuckle, Ola, Idaho; Frank Bowman, Ola, Idaho; E. W. McKaughan, Ola, Idaho; W. N. Renfo, Ola, Idaho; John Young, Ola, Idaho; H. H. Denham, Ola, Idaho; W. M. Renfro, Ola, Idaho; C. R. Ritter, Ola, Idaho; Lawson Piant, Gross, Idaho; Chris. Thompson, Ola, Idaho; Dabe Jackson, Ola, Idaho; W. B. Walker, Ola, Idaho; Eugene Holbrook, Ola, Idaho; Everett G. Holbrook, Ola, Idaho; J. E. Flake, Ola, Idaho; Gust Hammar, Ola, Idaho; A. F. Hughes, Ola, Idaho; Charles Blensing, Ola, Idaho; C. E. Bed, Ola, Idaho.

EXHIBIT 3.

WALLOWA NATIONAL FOREST.

To the honorable SECRETARY OF AGRICULTURE:

We, the undersigned patrons of the Wallowa National Forest, State of Oregon, being made aware of the circulation of a certain petition drawn for the purpose of seeking to eliminate certain lands from the said national forest, do hereby respectfully petition that all the land included in said Wallowa National Forest continue to remain as an integral part of said reserve for the following reasons: We, the subscribers, hereto accepted the existence of the present boundaries of said reserve as being a permanent affair, and in case of elimination of said land embraced in said reserve each and every subscriber hereto would experience great loss; 90 per cent of said land is utterly worthless except for timber and grazing and if eliminated would be monopolized by a few and in a short time would be ruined even for grazing purposes and cause great detriment to the reserve and the subscribers hereto.

J. A. Grimes, S. T. Giles, W. S. Brockman, E. A. Mace, S. T. Tippet, W. P. Warnock, Henry Haas, L. W. Russell, L. C. Johnson, Glenn Marks, J. H. Tippet, W. L. Campbell, H. N. Vaughn, Chas. Rice, Chas. Crader, H. A. Sprague, L. C. Layd, B. L. McCormack, J. F. Landers, Howard Whitties, Manly P. Teeple, Mike Thomason, M. M. Jarrett, Ben Johnson, C. W. Warnock, E. H. Hinton, J. E. Rice, W. D. Fine, J. L. Johnson, J. M. Blakely, Harry C. Mays, A. P. Wilson, Geo. C. Russell, Jack Johnson, Waldo Chase, G. W. Nere, D. T. Throe, M. R. Hibbs, R. H. Snell, J. A. Wilson, J. H. Chattin, James Wisenor, H. J. Kiger, V. D. Swarts, T. O. Marks, Ralph Russell, Ray Johnson, Ford Hillman, Ernest T. Johnson, W. L. McCormack, D. W. Warnock, J. T. Steen, Polk Mays, Winston Bros., Albert Morgan, Chas. Campbell, Jake March, H. W. Beecher & Son, L. E. Caviness, F. H. Jensen, Amelia Whittin.

EXHIBIT 4.

WHITE RIVER NATIONAL FOREST.

To the Hon. H. S. GRAVES,

Chief Forester, Washington, D. C., and

Hon. JAMES WILSON,

Secretary of Agriculture:

Whereas it has been reported that it is under consideration to release from the control of the Forest Service a portion of the White River National Forest which is now being used by us;

Therefore, we, the undersigned residents on or adjacent to the White River National Forest, owning live stock ranging thereon, respectfully petition that there be no further withdrawal such as is reported to be contemplated, and that if such withdrawal is the intention of your department that the matter may be taken up with the advisory

board to the Forest Service appointed by the Egeria Park Stock Association for further evidence.

S. M. Chapman, Yampa, Colo.; Wm. Mall, Yampa, Colo.; F. E. Van Wert; C. A. Seymour; R. S. Ragland, Yampa, Colo.; Wm. Gray; Hugh Chapman, Yampa, Colo.; W. V. Hughes, Yampa, Colo.; L. G. Stevenson, Yampa, Colo.; J. B. Male, Yampa, Colo.; R. C. Dunckley; T. E. Dunckley; R. H. Dunckley; John Dunckley; J. E. Velasquez; Geo. W. Dunckley; W. M. Robertson; C. F. Egry, Pyramid, Colo.; Anna A. Johnson, Pyramid, Colo.; G. M. Dushan; J. E. Dunckley, Dunkley, Colo.; H. E. Moore, Yampa, Colo.; Chas. R. Bird, Yampa, Colo.; Ernest E. Welch, Yampa, Colo.; Marion Yeast; John Yeast; J. W. Kominek; H. E. Evans; C. C. Hansen; T. H. Dunstan; Den Bradley; Frank Gill; W. E. Driscoll; D. C. Taylor; William Wiles; Wm. Creamen; H. V. Ramsdell; John Haley; R. W. Chinn; Wm. McFadden; Wm. Ball.

Mr. MONDELL. Mr. Potter, is there any mountainous timberland in the vicinity of the Lemhi National Forest that has been included?

Mr. POTTER. Yes, sir; there is.

Mr. MONDELL. Is there any mountainous forest land in the Lemhi National Reservation?

Mr. POTTER. Yse, sir.

Mr. MONDELL. How much?

Mr. POTTER. I can not tell you the amount.

Mr. MONDELL. Is there any amount of timber in the Lemhi National Forest?

Mr. POTTER. Of merchantable timber, no, sir; there is not much in the Lemhi Forest. It is principally for watershed protection and there is not a large amount of merchantable timber in that forest.

Mr. TAYLOR. Mr. Potter, I asked Mr. Tomlinson the other day when he was here, if the American National Live Stock Association, which seems to be the principal sponsor for this bill, was willing that the question of the leasing of the public domain should be submitted to the taxpayers of the respective counties affected, and he said no; he did not think it ought to be done. I asked him if he did not think the county commissioners, who were supposed to be elected by the people of the county to represent the people of the county, should be consulted before the county was put into a pasture, and he said he did not approve of that.

Now let me ask you, as Assistant Forester, do not you believe that we, as representatives from our respective States that are elected not by the stockmen alone but by everybody and all interests in the State, do you think we would be justified in recommending a bill in the interests of one particular class of persons without consulting the welfare of anybody else in the State; the tax payers, the county commissioners, or the merchants, or public officers, or anybody else but the stockmen? Do you feel that we should be governed by their welfare, or rather their wishes, in this matter and ignore the interests or welfare of everybody else in the State?

Mr. POTTER. I think the interests which are affected should be considered.

Mr. TAYLOR. Well, to what extent?

Mr. POTTER. It is rather hard to say, Mr. Taylor, to just what extent that should go.

Mr. TAYLOR. Is it the position of the Forest Service that because one interest in the State, to wit, the cattlemen, we will say, because they all want the unappropriated public domain of the United

States set apart as a pasture for them to-day, do you feel that we ought to legislate in their interests and in the interests of nobody else?

Mr. POTTER. Yes, sir; if it is the public interest as well.

Mr. TAYLOR. Is not that the position of Mr. Tomlinson, and is not that very generally the position that the Forest Service has taken here before this committee?

Mr. POTTER. We feel that the stockmen are the ones who are most interested.

Mr. TAYLOR. They are most interested in getting the grazing at a nominal sum if possible. But the county itself and the taxpayers and officers, and the public that foot the bills in the county and keep up the county government, they are interested in having that land go into private ownership, and not be held under 10 and 15 year leases that would restrict it from going into the private ownership; should not their wishes be given preference over the cattlemen?

Mr. POTTER. They should be given consideration.

Mr. TAYLOR. When a county becomes settled up, the number of cattle may not increase, but their quality and value increases, as it has done in Texas and every other place where it has become settled up; the smaller herds of the farmers receive better care than those thousands of head that come in from New Mexico and Texas; is not it to the welfare of the country that these interests should be considered rather than only the big cattlemen? I have nothing against the cattlemen. They have always been my friends. My father was a cattleman and I belong to a stock section.

Mr. POTTER. Well, it is true, Mr. Taylor, I think the object of the amendment suggested by Mr. Tomlinson was to meet the proposition that in some localities the stockmen are opposed to any system of control and in other localities in favor of it, and it was with the idea that so far as the stockmen themselves are concerned, a system of control which was objectionable would not be forced upon them against their will, but that the grazing district would only be established where the stockmen themselves were willing or anxious that it should be. That was the idea of the amendment as I understood it. It was to settle the point as to whether a grazing district should be established against the wishes of the stockmen. In localities where the stockmen were in favor of it, it would be established, but in localities where they were not, it would not be established. It was not our intention—

Mr. TAYLOR. There are no sheep and cattle wars on the forest reserves now, are there?

Mr. POTTER. No, sir.

Mr. TAYLOR. You refer to local strife. You have not any 10 or 15 year leases now, have you?

Mr. TAYLOR. We have applications for five-year term permits on many of the forests where conditions have been well settled, but this is the extreme term—five years.

Mr. TAYLOR. Why is not the welfare of the country better subserved by your present practice than by this proposed kind of law, which would hermetically seal it up for years and years?

Mr. POTTER. The object of this law, as I understand it, is to enable some system of control to be extended to lands outside of the national forests—lands that can not be properly included within the national forests. Of course I have given the matter a great deal of study per-

sonally, and I feel that there are certain fundamental principles which are very important in any legislation of this kind. The first is, I think, that we have learned in our administration of the national forests that the local conditions must be given great consideration; that rules which will apply and be beneficial in one locality will be decidedly to the contrary in another locality; and that we have got to arrange our grazing seasons and to arrange our rules to meet these local conditions.

Mr. TAYLOR. That is no reason for the enacting of this law, is it?

Mr. POTTER. It is the reason for the form in which the bill is prepared, Mr. Taylor. It leaves the fixing of these rules to a local board to be appointed by the stockmen.

Mr. TAYLOR. But what I am coming to is, the stockmen are not the only interests in the West. Why should they control or dominate all that country?

Mr. POTTER. That is all very true.

Mr. TAYLOR. There are other people besides the stockmen, but the farmer will find they are the whole thing when he comes within their reservation.

Mr. POTTER. When you come to fixing the rules as to whether this shall be done and that shall be done for a proper adjustment of grazing matters, they are things which the stockmen are interested in and nobody else takes any interest in.

Mr. TAYLOR. And you are taking it now, are not you?

Mr. POTTER. True.

Mr. TAYLOR. Can not the Interior Department do the same thing where it is necessary or where it may not be necessary?

Mr. POTTER. I think so. Where there is any authority for it, the Secretary may establish regulations.

Mr. TAYLOR. Let me ask you this question. Is there one man in one thousand throughout the 15 Western States of this Union, outside of the cattleman, who has asked for this legislation? Is there one voter outside of one thousand in the 15 Western States of this Union who has ever asked for this legislation aside from the cattlemen?

Mr. POTTER. I can not say as to the exact number, Mr. Taylor, but there are quite a large number outside of the stockmen.

Mr. TAYLOR. It is a stockmen's bill purely, is it not?

Mr. POTTER. Yes, sir.

Mr. TAYLOR. And it is ignoring the interests of the rest of the western part of the West, is not it?

Mr. POTTER. Well, not exactly ignoring their welfare.

Mr. PICKETT. I would like to ask Mr. Potter a few questions.

Mr. Potter, what are the specific reasons, stated briefly, why the grazing lands now are not giving their full carrying capacity from your viewpoint?

Mr. POTTER. Principally through lack of authoritative control, which results in their being overgrazed in most localities.

Mr. PICKETT. Have you at any time—I have a chart here, I do not know when it was gotten out—communicated with the various stockmen and cattlemen of the West with a view of ascertaining their views as pertaining to this subject of the forests?

Mr. POTTER. During the year 1904 I was assigned to assist the Public Lands Commission in their report upon the public lands and

in connection with that investigation sent out a circular to the stockmen all over the West. The circular went to members of the different associations and stockmen whose names were furnished by postmasters and county assessors, in that way getting a pretty general and wide distribution. We received some 1,400 answers to it, and the diagram which you have before you, I believe, is one which I submitted to the commission in connection with my report.

Mr. PICKETT. Yes; I do not know what year it was gotten out.

Mr. POTTER. In 1904, and the result of that, as I remember it, was that in replying to the question of whether or not the grazing capacity of the ranges being used had been increased or diminished, about 75 per cent of the stockmen or more reported the capacity as having been diminished.

Mr. PICKETT. That was one of the questions you answered that is included in the report.

Mr. POTTER. And as I said before, the reason given for its having been diminished in a large majority of the cases was overgrazing or overstocking the ranges.

Out of the answers received almost 1,100 out of 1,400 expressed themselves as being in favor of some system of control of the grazing lands which would enable them to stop the damage which was being done and place their business on a more stable basis.

Mr. PICKETT. Now the answers to these questions on this chart here under the heading of totals are indicated by the colored footings, Mr. Potter—have you one of these?

Mr. POTTER. Yes, sir; it is Senate Document No. 189.

Mr. RAKER. What session?

Mr. PICKETT. Fifty-eighth, third session; that was in 1905.

Now, Mr. Potter, have your investigations and observations, since this report was submitted, changed the conclusions reached at that time in any respect, and if so, in what respect?

Mr. POTTER. No, sir; not materially.

Mr. PICKETT. Have you been in touch with the situation since then?

Mr. POTTER. Yes, sir; I have.

Mr. PICKETT. And what would you say as to the answers as shown by this chart here relative to the carrying capacity of the ranges, whether it had been increased or decreased, and the expression of their opinion with reference to Federal control; whether that remains relatively the same now as it did then?

Mr. POTTER. I would say in many instances the carrying capacity of the ranges has continued to decrease, because there is no means of controlling its use. Of course the ranges have been under greater control within the past few years through more watering places passing into private ownership. The principal means of controlling the grazing on public lands outside of the different reservations is through the ownership of the watering places, the control of the water controlling to a great degree the use of the adjacent lands. Of course there are a larger number of watering places under private ownership now than there were 10 years ago.

Mr. PICKETT. I notice in this report that you refer to the causes of increase in capacity, and one of the principal causes you state is due to the fencing of pastures where there has been an increase.

Mr. POTTER. Yes, sir; that has been our experience on the National Forests as well, Mr. Pickett. In handling cattle on the ranges we

find the most important thing, and the first thing to be done to get the stock under control, is to construct drift fences which will confine the cattle to their natural ranges.

Mr. PICKETT. So that where the cattle have been under some control, principally by regulations of the department of the cattle land, your observation has been that it increased the carrying capacity of the land?

Mr. POTTER. Yes, sir; almost invariably.

Mr. PICKETT. Now, I notice, on page 11 of this report, that one of the causes for decrease in carrying capacity, that you name as the principal cause, is overstocking.

Mr. POTTER. Yes, sir.

Mr. PICKETT. Is there any way to prevent overstocking where they use the open range without any control?

Mr. POTTER. None, except by getting absolute control of the water.

Mr. PICKETT. Just how would you control the water?

Mr. POTTER. Through acquiring title to it under the different land laws, and oftentimes that is impossible to do, for the reason that after the long summer rains, which are quite universal in the Rocky Mountain region, there are a great many lakes fill up with water and the stock can use the range adjacent to those lakes. In a great many instances that has enabled the sheepmen to drive their flocks upon ranges where the cattlemen owned the permanent watering places. They could come in during the season of the year when there was temporary water in these surface lakes, and in that way, of course, overstock the range.

Mr. PICKETT. I notice another reason set forth here is premature grazing.

Mr. POTTER. Yes, sir.

Mr. PICKETT. Just explain that point.

Mr. POTTER. We found on the national forest ranges a considerable part of the damage was being done by the stock coming in too early in the season while the ground was yet soft and the new crop of grass had hardly started. The reason for this was, of course, that each man wanted to get on the mountains and establish himself there through putting in his camps ahead of the other fellow. The only way he could hold his range was by getting there first; and I know in my own experience in Arizona that oftentimes we have established camps up on the lambing grounds two or three weeks before we would come in with the sheep, so that we would be there and "hold the place down," as we called it. Now, that was the cause of the stock coming in before they ought to, so that they could get on to the range and hold it by being in possession of it; there being no other way by which they could hold it.

Mr. PICKETT. Is there any other way for controlling that?

Mr. POTTER. Only by having legal authority to control it. We have fixed a date in the national forests as being the earliest date the stock could go on. This has been fixed in cooperation with stockmen and is satisfactory to them.

Mr. PICKETT. What has been the effect of that rule?

Mr. POTTER. It has been to save a great deal of the forage that otherwise would be wasted. It has stopped the tramping out of a

great deal of grass while it is immature, and has increased the carrying capacity of the ranges. I think in the national-forest ranges, through the means of regulation—that is, through dividing the ranges between the different kinds of stock and through the establishment of proper grazing seasons—we have stopped the waste of at least 25 or 30 per cent of the forage. Under the old system fully 25 or 30 per cent of the forage was absolutely wasted which under proper regulations is being saved and utilized.

Mr. PICKETT. You think the same result would be brought about by the passage of this law, or some similar measure, for the control of the range?

Mr. POTTER. Yes, sir; to a large extent.

Mr. PICKETT. Is that the primary object of the legislation?

Mr. POTTER. Yes, sir; so far as the Forest Service is concerned, it is the feeling that it would result in a better use of the range and the production of better and more stock. Also, that it would bring about more stable and better conditions in the live-stock industry and be for the best interests of the general public.

The CHAIRMAN. Are there any other gentlemen who want to ask Mr. Potter questions?

Mr. FERGUSON. Are you acquainted with the Carrizazo Cattle Ranch, in New Mexico?

Mr. POTTER. I am, Mr. Fergusson.

Mr. FERGUSON. Well, in a general way, is it a fact, as you have already indicated, that in the control of a vast public domain, ranges—that the control of ranges situated 10 or 15 miles apart would give control of the grazing range for miles around as far as the cattle would graze?

Mr. POTTER. Yes, sir.

Mr. FERGUSON. Is not it the incoming of farmers and settlers, in the improvement of those ranges, taking up homesteads in various sizes close to the springs, say, owned by the big cattlemen; is not that one reason why the cattle industry has been growing less, say, in New Mexico; the encouragement of homesteaders?

Mr. POTTER. Yes; to a large extent.

Mr. FERGUSON. And where they can get water by digging and pumping, either by wind power or by gasoline or other power?

Mr. POTTER. Yes; that is true to quite an extent in western Colorado, western New Mexico, and southeastern Wyoming.

Mr. FERGUSON. And is it not a fact that in districts settled up by farmers where they can get very little water and have difficulty in cultivating the land except by dry farming; is not it a fact that the eastern part of New Mexico is settled up by farmers, and there will not be any more grazing?

Mr. POTTER. A very large part; yes, sir.

Mr. FERGUSON. Is it not a fact that the wholesale withdrawing of this land—would not the effect of this law be to retard the settlement of farmers?

Mr. POTTER. No; I do not think it would, Mr. Fergusson.

Mr. FERGUSON. Why not? If you can convince me——

Mr. POTTER. Because it would not interfere in any way with the settlers going ahead and taking up that land in homesteads.

Mr. FERGUSON. You say it would not?

Mr. POTTER. No, sir.

Mr. FERGUSON. Now, the proviso simply says that this fencing shall not interfere with the right to prepare the lands for homestead entry under the homestead law, but as a practical effect would it not have to be in this way: That the farmer or homesteader will find lands suitable for him to cultivate within the limits, say, of 10,000 or 100,000 acres under fence by some big cattle company? He goes in there subject to his homestead being surrounded by trampling herds of cattle all around the land he occupies. Will not he, in the first instance, be hampered by having to go through a big fence to select the homestead, and would not he be compelled to fence his homestead, and would not that be an additional burden upon him?

Mr. POTTER. No; because he has to fence his homestead now under the present law.

Mr. FERGUSON. Would not he have to go through that fence to obtain ingress and egress? How would that be obviated?

Mr. POTTER. I do not know how he could be restricted in going through the fence. There has not been any trouble in that regard in fences that have been constructed on the national forests.

Mr. FERGUSON. Are you acquainted, in the service, with the domain in New Mexico and Arizona and have you knowledge of this fact that through some of the so-called best sections inhabited by the cattlemen, who would come from some distance to get water for their cattle, that farmers are now coming in and taking that water for farming?

Mr. POTTER. Yes; the cattlemen have demonstrated that they could get water close to the surface, and the farmers have followed them. I think it is true all through the Panhandle country and all through eastern Colorado that cattlemen have made these demonstrations, and then the farmers have gone in and taken up the various tracts.

Mr. FERGUSON. Mimbres Valley; are you acquainted with that?

Mr. POTTER. I am in a general way.

Mr. FERGUSON. Do not you know that the surrounding country that was formerly almost exclusively occupied by cattle ranches is now filled with prosperous farmers, because water is within 20 or 30 feet of the surface?

Mr. POTTER. Yes, sir.

Mr. FERGUSON. Now, would not the settlement of that have been hampered by being surrounded by a big fence and used by some big cattle company?

Mr. POTTER. I do not believe it would.

Mr. FERGUSON. Tell me just briefly why it would not?

Mr. POTTER. For the simple reason that it has not had that effect where lands have been fenced.

Mr. FERGUSON. But in that particular instance?

Mr. POTTER. But they have fenced in other localities and we have not had any particular trouble in that respect.

Mr. TAYLOR. They have no fences in this country?

Mr. POTTER. Not in the country I am familiar with.

Mr. FERGUSON. Would it not be better, as suggested in the hearing before this committee by the Secretary of the Interior himself, that the lands in New Mexico should be reclassified, and that those which are able to be used by farmers for their homes should be excluded from the provisions of this bill to allow them to be fenced

for cattle ranges; and that the provisions of this bill should be confined to those sections of New Mexico which I admit is largely composed of lands suitable only for cattle and sheep raising? I am as anxious as anybody that the cattle industry should succeed and prosper, but it should not be made so broad, as this bill makes it, as to shut out the possibility of reclaiming great sections in New Mexico and Arizona for farming. In other words, should not the provisions of this bill be confined to the grazing lands of New Mexico and Arizona that it is obvious can never be reclaimed by farming?

Mr. POTTER. I considered that of very great importance in my suggestions to the Public Lands Commission. The first recommendation I made was that there should be a classification of the lands, and that the lands which are suitable for farming should only be leased for one year. I believe that lands which are classified as being suitable for farming, even though they are leased temporarily for one year, it should be with the distinct understanding that where there is a bona fide applicant for them the lease should be immediately canceled by the application for these lands. Now, in the bill before you there is a provision which has that intention. There was some argument the other day as to its effects, but the intent of the bill is that whenever a homestead settler entered upon land, the land would immediately be withdrawn from the permit, or lease, as you might call it.

Mr. FERGUSON. Those things are not provided in this bill as drawn.

Mr. POTTER. It is the intention that it should be so considered.

Mr. RAKER. Have you thought of the construction of "bona fide settler"—what that means in this bill?

Mr. POTTER. Yes, sir; I think so.

Mr. RAKER. Have you given consideration to the fact that the cattleman or sheepman, with his many herders, would be able to break down before the Land Office and the Secretary of the Interior the fact that the man was a bona fide settler, and that he wanted to go in there and settle? They might be able to come in with their influence and to show that he had done so and so and therefore was not a bona fide settler, and that therefore it would not apply. Have you figured on that feature of it? I will examine you on the earlier history after you answer this question.


Mr. POTTER. Yes, sir; I have figured on that, because that has been done to some extent in the regulation of the outside grazing lands, simply for the purpose, as I said before, of getting control of the watering places.

Mr. RAKER. But as to a bona fide settler, you say that a bona fide settler, a homesteader, can go in there. Now, he has got to determine as to the piece of land on which he wishes to file before he gets his filing, has not he?

Mr. POTTER. If this is so, it does not occur to me why the condition would be different from what it is now.

Mr. RAKER. For this reason. You have a large tract of land under fence, occupied and used by stockmen. Now, for the settler to get into the inclosure to select the land he must go through the gate or break the fence in order to reach that land.

Mr. POTTER. No; he would not have to break the fence.

Mr. RAKER. Well, if they kept their gates locked, which a good many would do, he would either have to open the gate or break the fence to get in to determine it one way or the other, would not he? 

Mr. POTTER. No; because I do not believe the regulations would allow closing up of the area so that there would not be ingress or egress.

Mr. RAKER. All right, take another side of it. Now, if the gates would not be closed the man would have to go through the inclosure to get to the land. Now, he has got to determine under this bill that he is a bona fide settler, has not he? Now, the cattleman and his hired men would all be interested in keeping him out. That is the natural conclusion, is not it?

Mr. POTTER. Probably so.

Mr. RAKER. And he would have to establish that he was a farmer, with his wife and babies, before he could get in, against the cattleman and all his assistants?

Mr. POTTER. I do not believe it would be more difficult for him to establish his bona fideness where the land is under Government control than where it is not under Government control.

Mr. TAYLOR. It would be much harder to get in where there is a pasture than where there is no pasture at all.

Mr. POTTER. The pasture would have to be maintained under Government control.

Mr. TAYLOR. You would not have a range rider there all the time to protect a settler and his family.

Mr. RAKER. Did you ever realize, Mr. Potter, that this is one of the troubles in the West? I know of a case where a stockman was killed by a homesteader when he attempted to get into the range. Did you know that that is the history of the public land in the West?

Mr. POTTER. I know that these controversies——

Mr. RAKER. But the trouble grew out of controversies between the stockmen and the legitimate homesteaders. Did you realize that that was the history?

Mr. POTTER. I realize that.

Mr. RAKER. Now, that history of the stock business in the early days grew out of the sheep business.

Mr. POTTER. Cattle first, then sheep.

Mr. RAKER. Did you own any public lands anywhere and herding cattle?

Mr. POTTER. I had 160 acres, my home place.

Mr. RAKER. Did you do the same thing with the sheep? You did have a home place?

Mr. POTTER. Yes, sir. Of course, in that country the range was not fenced.

Mr. RAKER. Did you realize that before 1885 great tracts of public land were inclosed and were used by the stockmen—the cattlemen, horsemen, and sheepmen?

Mr. POTTER. Yes, sir; in some cases.

Mr. RAKER. And that it was the homesteader who was trying to get into these inclosures that succeeded in having Congress pass the act of 1885 compelling the removal of fences on the public domain. Is not that right?

Mr. POTTER. I did not know that.

Mr. RAKER. Well, that is a fact. Now, the courts held—all of them in the West—that where a man had fenced in the public domain he had control of that range, and nobody could come in and file a homestead or preemption upon it. Then the act of 1885 was passed,

compelling these people to remove the fences. Some had 100,000 acres inclosed, some had 10,000, and such like as that. The homesteader tried to get his filing. The stockmen had it already inclosed. Now, is not it a fact to-day that there is no conflict between the horsemen and cattlemen as to range?

Mr. POTTER. None at all.

Mr. RAKER. And the only conflict that is now arising is between the sheepmen and the cattlemen and horsemen as to the remaining public domain?

Mr. POTTER. Yes, sir.

Mr. RAKER. The homesteader, even before the act of 1885 and up to the present time, has been seeking to get a law and put it in such shape that he might go out on the public domain, makes no difference where it was, and locate his preempted homestead or desert claim. Is not that right?

Mr. POTTER. Yes, sir.

Mr. RAKER. Has not the claim been made in Congress and in the departments that the stockmen—the horse, cattle, or sheep men—have been assisted in prohibiting homesteading in any particular range that the stockmen claimed for their own use?

Mr. POTTER. I do not know that there has been a great deal of protest where settlers have taken up places.

Mr. RAKER. Do you know of any place in Oregon or California where that has ceased?

Mr. POTTER. I am not familiar with the conditions there now.

Mr. RAKER. I am calling your attention to one of the first things as a boy, or when I was 21, which came to my attention. A settler went in on a range, a large range, and located his homestead, and after he got his little cabin there—a week after—they went back and found his body there but never found his head. And we found conditions like that occurring all the time.

Now, if all the remaining public domain is inclosed, will not it retard the homesteader going upon the land?

Mr. POTTER. It ought not to, Judge, because the permits allowing the fences ought to contain provisions which will not enable the stockmen to do that.

Mr. RAKER. But, Mr. Potter, you have got 10,000 acres of land under substantial fence by a stockman. Do not you realize that he and all his friends would use every power possible to keep the portion of that land within that inclosure from becoming a homestead, so that he would not be interfered with by having a homesteader within the very center of his range? Take human nature, now, as we know it; would not that be the condition?

Mr. POTTER. Well, it might be in some cases. I do not think it would be in all cases.

Mr. RAKER. Well, assume stockmen to be the same; do you believe human nature would be so mellow and so generous, after having spent a fortune practically in fencing this land, that they would want a private individual to get in there and locate in the center of the land and control any part of that range?

Mr. POTTER. They might not want to, but I doubt if, under present conditions, they would raise very serious objections.

Mr. RAKER. Very well. Now, first, for the homesteader to get the benefit of his land he would either have to build, or somebody would have to build, a lane from the outside into his inclosure, would not he?

Mr. POTTER. I do not know that it would be necessary.

Mr. RAKER. Well, suppose there are 8 or 10 head of horses at large in there; the stockman has got stallions running over that range; you would not care to drive your horses in there, would you?

Mr. POTTER. I do not know whether I would or not.

Mr. RAKER. It would be a pretty good man that would do it.

Now, first, the homesteader would have to fence 40 acres of his land and use the other 120 acres for grazing purposes, would not he?

Mr. POTTER. Yes; that is true.

Mr. RAKER. But to get any benefit of the remaining land he would have to fence it all, would not he?

Mr. POTTER. He might not have to.

Mr. RAKER. Well, if the other man had any stock in there, he could not use it for any other purpose than grazing purposes?

Mr. TAYLOR. He could lariat them out.

The CHAIRMAN. He could do that now.

Mr. RAKER. Well, the point I want to drive in and get before the committee is this: That giving him the benefit of the 160 acres within the inclosure, you therefore deprive this particular homesteader of any benefit at all of the public range.

Mr. POTTER. No; that is just exactly what would not happen, Judge, because in the national forests we are having homesteaders go in under the act of 1906, and immediately they make filing upon 160 acres we concede that they are entitled to the grazing of 160 acres. If they do not choose to fence, we give them a permit anyway to graze the number of stock that this 160 acres would support without any charge whatever, and I assume that in all cases in a grazing district if a man did not want to fence and simply wanted to graze he would be entitled to graze what stock could be grazed on 160 acres.

Mr. RAKER. Well, the point is this: The individual goes in and files on his 160 acres and fences it. Now, then, the inclosure is the line fence, and he is absolutely deprived from getting any benefit from the public range, because all the surrounding land is already under lease. Is not that true?

Mr. POTTER. That is true, during that season.

Mr. RAKER. Very well; under the law to-day any homesteader would be deprived of the benefits of the homestead?

Mr. POTTER. Yes, sir; that is right.

Mr. RAKER. In other words, he would be restricting the benefits of the homesteader?

Mr. POTTER. Yes, sir.

Mr. RAKER. Now, Mr. Potter, have you statistics showing the decrease of the cattle, horses, and sheep in the 16 Western States in the last 10 years?

Mr. POTTER. I have not it here.

Mr. RAKER. Will you put it in the record?

Mr. POTTER. Yes, sir.

Mr. RAKER. Now, is not it a fact that in the public domain horses and cattle have been increasing in the last few years on the range?

Mr. POTTER. The cattle decreased during the period between 1890 and 1900, as I remember it, but since that time—that is, since 1900—they have been increasing again. The statistics follow.

Number of live stock in the States of the mountain and Pacific divisions in 1890, 1900, and 1910.

[Abstracts from United States census reports.]

State.	Year.	Cattle.	Horses and mules.	Sheep and goats of shearing age.
Arizona.....	1890	927,880	36,486	515,136
	1900	744,873	142,352	670,167
	1910	820,295	113,950	930,227
California.....	1890	1,608,418	477,241	3,373,036
	1900	1,479,218	606,503	1,742,290
	1910	1,909,272	578,173	1,569,684
Colorado.....	1890	1,166,542	193,518	896,810
	1900	1,453,971	290,047	1,357,251
	1910	1,156,863	364,007	1,317,578
Idaho.....	1890	219,431	85,147	357,712
	1900	369,217	185,219	1,966,083
	1910	460,884	222,805	2,117,009
Montana.....	1890	1,442,517	177,002	2,352,886
	1900	974,845	350,492	4,215,285
	1910	953,804	344,600	4,993,401
Nevada.....	1890	210,900	58,511	273,469
	1900	386,249	87,026	568,323
	1910	442,707	79,733	843,212
New Mexico.....	1890	1,631,533	114,953	2,474,494
	1900	996,790	164,295	3,348,013
	1910	1,086,305	219,284	2,941,359
Oregon.....	1890	520,648	229,908	1,780,312
	1900	715,599	316,265	1,963,542
	1910	741,554	313,088	1,961,133
Utah.....	1890	278,813	88,864	1,936,806
	1900	356,621	132,090	2,556,078
	1910	427,657	136,532	1,711,544
Washington.....	1890	255,134	155,115	265,267
	1900	414,044	269,724	555,921
	1910	423,317	338,516	298,858
Wyoming.....	1890	934,066	93,746	712,520
	1900	689,970	147,427	3,327,299
	1910	771,915	169,579	4,826,680

Number of live stock in the States of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, 1890, 1900, and 1910.

Year.	Cattle.	Horses and mules.	Sheep and goats.
1890.....	9,195,882	1,710,491	14,938,448
1900.....	8,581,397	2,691,440	22,273,252
1910.....	9,194,573	2,880,267	23,510,685

Number of live stock in continental United States, 1890, 1900, and 1910.

Year.	Cattle.	Horses and mules.	Sheep and goats.
1890.....	57,295,212	17,573,568	40,876,312
1900.....	69,335,832	24,752,436	63,683,966
1910.....	63,104,573	27,385,687	55,090,753

Mr. RAKER. What you mean by controlling the range is that you will take stock off. You will not permit so much stock on the range as are permitted to run on it now, and that to increase the productive-ness of the range you must keep the stock off?

Mr. POTTER. But eventually the ranges will carry more than they are carrying now.

Mr. RAKER. Is not it a fact that before you can improve the range you must reduce the number of stock on the range?

Mr. POTTER. To some extent.

Mr. RAKER. And one of the conditions now is that it is overstocked?

Mr. POTTER. Yes, sir.

Mr. RAKER. And then you will, after that, increase the amount of horses and cattle naturally?

Mr. POTTER. Yes, sir.

The CHAIRMAN. If it suits the committee will stand adjourned until Monday, May 13, at 10 o'clock a. m.

Thereupon, at 12 o'clock noon, the committee adjourned until Monday, May 13, 1912, at 10.30 o'clock a. m.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON PUBLIC LANDS,
Wednesday, May 29, 1912.

The committee this day met, Hon. Joseph T. Robinson (chairman) presiding.

The CHAIRMAN. The committee will please be in order. With reference to H. R. 19857, the grazing bill, the Secretary of the Interior, Mr. Fisher, is present and desires to be heard upon the matter. Mr. Fisher, are you ready to proceed?

Mr. FISHER. Yes, Mr. Chairman.

STATEMENT OF HON. WALTER L. FISHER, SECRETARY OF THE INTERIOR.

Secretary FISHER. Mr. Chairman, the general provisions of the pending bill seem to me to be quite in accord with wise public policy. The bill represents, as I understand, the result of consideration of these matters by the American National Live Stock Association, and it is in conformity with the general recommendations that have been made by the Secretary of the Interior and the Secretary of Agriculture heretofore, and is in accord with the recommendations that I have made since I became Secretary of the Interior.

I think that the proper method of developing those portions of the public domain that are chiefly or wholly valuable for grazing purposes is to administer them under a liberal but carefully guarded leasing law, which will enable the primary purpose of the proper conservation of those areas to be carried into effect. As I understand it, the present policy is largely destroying or injuring the value of this land for grazing purposes, that it can not be effectively controlled, and the result is that it is overgrazed or grazed in an improper manner, or in such a manner as to injuriously affect the range itself physically. In addition to that, the conflicts between contending interests, the owners of cattle or sheep, are unfortunate, and there is a constant tendency to have the public domain used for grazing purposes by the larger interests in the very nature of things, and without any necessary indication of any improper or illegal purpose on the part of those interests. I think this could be much more effectively controlled under a leasing law than in any other way. I think, however, that such a leasing law should contain proper provisions by which such portions of the leased lands as were

suitable for agricultural purposes could be taken up, improved, and acquired by homesteaders under the homestead law.

There is one exception to that policy which I think should be carefully reserved. We have recently found in the Department of the Interior that there is what seems to be a more or less concerted movement to take up those portions of the public domain that have water on them and that are valuable chiefly in connection with grazing land adjacent to that water. The result is that under the general authority conferred by law we have been making reservations of water holes, or what are equivalent to water places, and reserving them from private entry of any kind. That does not mean that they are reserved from private uses; on the contrary, it means that those private uses are encouraged and permitted, because nobody is building any fences around these water places, and anyone using the public domain for grazing purposes has full access to these watering places, and the result is that they are utilized for that purpose, the purpose for which they are most valuable. The suspicion that seems quite justified on the face of things is that individuals have suddenly become aware of the fact that if they can enter these places containing water under the homestead law, or otherwise acquire a private property in them, that they will thereby control not merely those particular areas, but will control a wider area that is useful for grazing, extending all around it, and which they can not take up under the homestead law and would not seek to take up. I think that should be controlled. I think that the policy of withdrawing such areas as that, in connection with the leasing policy, should be continued.

In other words, there are in these broad stretches out west which now remain, in many places that are useful chiefly for grazing, certain places where water can be had adjacent to those areas. The chief value of these places is as watering places for the stock which will graze upon the other areas, and if private individuals acquire those particular watering spots, they will be able absolutely to dictate terms as to the use of all the remaining grazing lands. Now, subject to that one exception, it seems to me the making of agricultural entries under the homestead law should be permitted on all of these lands that are to be covered by a grazing policy.

There is another provision in the pending bill that I find myself in disagreement with, and I trust that in what I say there will be no thought that I care anything about the matter from a personal point of view. I think it would be a mistake to turn over the administration of the leasing law to the Secretary of Agriculture for territory outside of the national forests. I believe that there ought to be a coordination between the different departments and the bureaus in a department so as to get the highest degree of efficiency possible, and that that coordination can be obtained by utilizing the services of the experts connected with the Agricultural Department, whether in or out of the Forest Service, yet it will leave the administration of these areas where it now is—in the Department of the Interior. The fundamental reason I have for that is that it seems to me the Department of the Interior should really be made the administrative agency for disposing of and controlling the public domain generally, and that it is a mistake to take any part of it out and hand it over to the administration of any other department.

My own theory of the proper organization of the departments of the Government would differentiate sharply between departments which are scientific or expert in their character and those that are administrative in their character, and I believe that the Department of Agriculture should be in the former class, broadly speaking. I think that if we can adopt a system of the division of our executive departments so as to follow out the idea of staff and line, which is at the foundation of scientific efficiency, we will get better results than in any other way. I believe thoroughly that there is a principle, which is sound, back of this so-called science of efficiency engineering, of which we have heard so much, and I believe it goes back to the principle which was embodied in the administrative features adopted by Von Moltke, in the German Army, and which we have seen carried on in so many of the larger industrial establishments; and that principle is the creation of a division of staff officers, upon the one hand, and of line or direct administrative and executive officers upon the other hand. So that the staff or expert division will be constantly scrutinizing and will be constantly available for assistance to the ordinary administrative officers. And I have believed that that is the line along which the Department of Agriculture in its relation to the public domain should be developed. For that reason I dislike to see the principle broken over by turning the grazing lands of the public domain entirely outside of the forested areas over to the Department of Agriculture for administration.

The granting of titles of course under the homestead law or otherwise for the portions of that territory that would be leased would presumably have to remain in the Department of the Interior and I believe less confusion on the whole would result from continuing the administration there than if it were turned over to the Department of Agriculture.

MR. GRAHAM. I believe it has been suggested that the Department of the Interior might well be abolished and the Department of Agriculture given jurisdiction over what properly belongs to it, and the other services in the Interior Department distributed elsewhere.

SECRETARY FISHER. I suppose we could take any one of the departments and abolish it and turn its functions over to another, and I do not know of any fundamental principle that has not been violated in the subdivision of work under the existing organization. I find that the Department of the Treasury for instance has functions ascribed to it that it is difficult to defend upon any notion. I find the same thing true of the War Department and the same thing true of each of the other departments. It all depends upon whether you are going to adopt some real principle and then apply it logically or whether you are going to adopt the principle of expediency in every case. Up to date we have adopted the principle of expediency; we have turned over things to one department or another because it seemed at the particular time the most expedient thing to do.

MR. BAKER. Right in line with that statement. Take the first section of the bill. If that is to remain, there will practically be none of the public land left for the Department of the Interior to dispose of or handle, except the mere title feature, and it will then have to go to the Department of Agriculture to find out whether or not it is subject to entry.

Secretary FISHER. Yes; it will, except, of course, that the President would act upon the entire matter by proclamation. He would have to establish grazing districts; but of course he could establish a grazing district or districts embracing all of the unappropriated land.

Mr. RAKER. Suppose all the unappropriated and unoccupied public land was included as a district under this bill or language similar to it; in that event, and before acting upon your title, you would have to go to the Department of Agriculture to know whether or not it was subject to entry, because under the provisions of this bill it is not subject to homestead entry, and a good many conditions must first be complied with. Now, would it not conflict very materially to have all of the unreserved public land in one department and the Department of the Interior simply handling the title feature of it?

Secretary FISHER. I do not think that would occur as a practical matter. I do not believe that any President of the United States would create grazing districts out of all the unappropriated public domain. Theoretically there might be something in what you say, but practically I would not regard it as important. However, that illustrates the difficulty of dividing the jurisdiction over this matter between the two departments.

The CHAIRMAN. That would exist any way, if the Interior Department retained control of such matters, inasmuch as the Department of Agriculture now administers the national forests, would it not? There would be a duplication of the service; that is to say, the grazing ranges within the national forests would be under the supervision of the Department of Agriculture and those outside would be under the supervision of the Interior Department?

Secretary FISHER. Yes.

The CHAIRMAN. Now, in your judgment, would the placing of that power in one department, whether in the Department of Agriculture or in the Interior Department, tend to make the administrative features less expensive?

Secretary FISHER. I do not think so; I do not think it would make them any less expensive to put them in the Agriculture Department rather than in the Department of the Interior.

The CHAIRMAN. I do not think you caught my question. My question was whether the concentration of the whole service in one department would lessen the expense and therefore that plan be more desirable than to divide the jurisdiction between the two departments.

Secretary FISHER. I think it would to some extent lessen the expense and increase the efficiency. But let us look at the situation as it exists to-day. I think I have heretofore expressed my views before this committee, but if not before this committee, before the Senate Committee on Public Lands. Take the Forestry Service. The Department of the Interior has certain forested or wooded areas to administer which are portions of the public domain, but it has no such organization of forestry experts and administrators as now exists in the Department of Agriculture. If that force were duplicated, it would, of course, add to the expense and, in my opinion, decrease the efficiency. The Department of the Interior, in addition to that, has a very considerable amount of forested land which it has to administer in the Indian Bureau, and there it has actual administrative duties to perform, I mean, as contradistinguished from the

other duties of the Department of the Interior as to forested areas of the public domain. Now, the Federal Government, theoretically, is acting as trustee for the Indians, and we have much wider powers with regard to the disposition of this property, for administrative purposes, than we have in some other respects in connection with the public domain. We make coal leases and oil leases and things of that sort on the Indian lands, and Congress has not yet given us adequate power to do that on the public domain generally.

Now, when it comes to the forested areas on Indian lands, we must administer them, and we have a certain forestry organization in the Indian Office for that purpose, as we must have. There is growing out of that a duplication in service which is not consistent with complete efficiency. We would have, in my opinion, a more efficient service if those things were combined. But that illustrates it. If you started out by saying that because Congress has put the Forestry Bureau in the Department of Agriculture and gives the Department of Agriculture the power to investigate agricultural questions, that, therefore, you should put in the Department of Agriculture all of the administrative features relating to forested areas throughout the country with which the Government has anything to do, you would put the Indian Service over into the Agricultural Department at once, and so you will put over the grazing lands, and so you will put over all of the rest of the domain and all of the rest of the property in this country that is in any way connected with agricultural questions. Well, the result of that would be, I suppose, that with it should go the Geological Survey; with it should go the Bureau of Mines—well, perhaps, the Bureau of Mines would be a stretch, as it could hardly be called agricultural in character—but the Reclamation Service certainly would go, and the result of it would be that the Department of Agriculture would have added to it practically all of the functions that are now performed by the Department of the Interior. Now, I have not been Secretary of Agriculture, but I have been Secretary of the Interior, and I merely wish to express now my prospective commiseration for the gentleman who has those added functions to take care of. I should certainly hate to have any considerable fraction of the work of the Secretary of Agriculture turned over to me as Secretary of the Interior.

The CHAIRMAN. If I understand you correctly, your theory is that the Department of Agriculture should confine its operations and usefulness to scientific work, and that the administrative features relating to the public lands should all be considered in the Department of the Interior?

Secretary FISHER. That is my theory.

The CHAIRMAN. Touching this legislation as a whole, the statement has been made here, or suggestions have been made, that the more satisfactory and effective manner of dealing with the grazing lands would be to permit the concentration of them in private ownership in reasonable areas so as to afford grazing grounds for those engaged in the stock business. Have you given any consideration to that question?

Secretary FISHER. Yes; I have. I have had to consider the question in connection with the enlarged-homestead act and the Kinkaid Act, so called. The advices that I have received are to this effect: When the Kinkaid Act was first adopted there was apparent at once

a tendency on the part of the larger interests to take up those lands, so that they would have fallen rather quickly into the hands of large interests through the intermediate agency of homesteaders who would have acquired them under some express or implied arrangement with the larger interests, under which the lands would be turned over to them when the homesteaders had perfected their titles. The vigorous action, as I am told, of the special agents' force prevented that or discouraged that method, and I am told that that has not been so apparent since.

I talked with Congressman Kinkaid about it, and I found from him and from other sources that there was a difference of opinion in the territory itself; that there were some individuals there who were still apprehensive that that was going to be the effect of the law. But it has not progressed far enough to quite express an opinion about it; that is, the law has not been in effect long enough to have the thing work out so we can say just what is going to happen. The same thing is true of the enlarged-homestead act, but that has not been in effect long enough to permit titles to go into private ownership and to see whether those titles are taken up by the larger interests. But I assume that that which is to the financial interest of men who are not unrestrained by law is going to happen.

Mr. GRAHAM. That is a very fair inference.

Secretary FISHER. If we permit these lands, which are valuable chiefly for grazing purposes, to pass into the hands of private individuals, it is apparent that we must make the terms very easy. We have had difficulties about which Mr. Taylor knows in eastern Colorado. There is a great deal of land out there which has been opened under the enlarged-homestead act, and some of that land was not entirely suitable for entry under that act; sections of it, at all events, were not suitable for agricultural development under that act. The result is that the settlers on some of that territory have had a pretty hard time of it. Their experiences have varied. In some counties they have gotten good results and in other counties poor results.

Now, the pressure is to reduce the requirements under the law, and yet care must be taken not to make it possible for people to enter upon that land and really do nothing except put a few head of cattle on it and later permit the land to get into the hands of the larger interests. There may be no prearrangement at all, but the ordinary settler may go there and acquire a title to the land, and later the larger interests may come along, and seeing where they can make a financial profit out of acquiring a monopoly of that territory, they take it, and the result is that if it is to the financial interest of the larger cattle interests to take it, I do not know how you are going to stop it; that is, if you permit the land to pass into the ownership of individuals by absolute title.

Mr. MONDELL. Is not that true with regard to land anywhere, even farming lands; that if it is to the interest of people to buy them and hold them in large areas, that, of course, they will do so?

Mr. GRAHAM. But the reasons are not as equally strong.

Secretary FISHER. You might say theoretically so to the extent of the inducement, but the inducement being so radically different in the two cases the practical effect is wholly different.

Mr. MONDELL. You are assuming that the inducement is different.

The CHAIRMAN. There is this fundamental difference: There is the absolute necessity for a large area for grazing purposes; no man

engaged in the stock business could be satisfied with a small area, whereas the rule is different as to agricultural land. If the real purpose is to cultivate the area, the demand is usually quite limited; but if the purpose is to graze, the area demanded is enormous.

MR. MONDELL. That all depends, of course, on what you mean by the term "enormous." Of course, the tendency in the West has been for quite a number of years to reduce the grazing flocks and herds and not to increase them. While, of course, a man needs more land upon which to graze, in order to support a family he does not need an enormous area.

THE CHAIRMAN. May I ask you a question? What would be the average grazing homestead? What I mean is this: If stock dealers were permitted to acquire the fee to the areas which they desired and needed to graze, what would be the average area?

MR. MONDELL. Well, I think that after we had eliminated, as we did in Nebraska, or thought we did, practically all the lands that could be plowed and cultivated, a grazing homestead, if we were going to have one, would run all the way from a section to three or four sections: that is, assuming that we were basing the grazing area upon the area which would support an ordinary family.

SECRETARY FISHER. May I state this? As I understand it, the rule operates precisely opposite to that which Congressman Mondell has at least indicated in his question.

MR. MONDELL. I have only lived 40 years in a country where it has operated.

SECRETARY FISHER. I express my opinion with all deference to which your greater experience is entitled, but, nevertheless, as I understand it, the tendency to-day in all agricultural development is toward intensive agriculture. I think I can make that statement without the fear of successful contradiction, even from a man with as wide experience as you have had in the West.

MR. MONDELL. Has the gentleman read the census returns from the State of Iowa?

SECRETARY FISHER. Individual conditions on a particular area have nothing to do with the general tendency. It is already, I think, sufficiently apparent that the future development of agriculture is going to be along the lines of intensive cultivation. That is certainly true in all irrigated areas. We know in the Reclamation Service that the tendency is to reduce the unit of cultivation, and farmers are becoming more and more satisfied with that tendency. They see that real intensive cultivation is the wise method of cultivation, and that it is to their financial advantage. Now, if intensive cultivation is going to be the tendency, and I think—

MR. MONDELL (interposing). And should be.

SECRETARY FISHER. Fortunately we are happily agreed on the final conclusion if not on the roads by which we reach it. If that is to be the tendency, then it is apparent that there is not going to be any large agricultural entry under single holdings, because intensive cultivation can not be successfully carried on in that manner, never has been, and, in my opinion, never will be. The tendency of agricultural development is toward small holdings rather than toward large holdings, and the tendency with regard to grazing—

MR. TAYLOR (interposing). Is not that same rule applicable to the stock interests?

Secretary FISHER. I do not think so, because the old days have gone by when the herds were driven over the open ranges in the West, covering immense areas of territory. Nevertheless it is apparent that stock raising, certainly sheep raising, can be carried on most successfully if the unit is reasonably large, yet the tendency is toward an extension of such areas, and certainly far beyond the limited area required for a grazing homestead, such as has been indicated by Congressman Mondell. Now, if that is true, then it seems to me that the financial interests will always bring these individual grazing homesteads under a single large ownership, or a number of large ownerships, and if that is true, then there are two opposing lines of development.

Mr. TAYLOR. Do you not think the same principle concerning stock is largely coming into existence all over the West as is now apparent in regard to agriculture everywhere—that is, intensive stock raising? Is it not true that in the State of Texas to-day the large ranges are being, or have already been, all cut up into small farms, that the cattle are being now raised on small farms, and that the State thereby has much better cattle? And do you not realize that this bill, if it should be passed in its present form, would have a tendency to keep up the large herd unit to the detriment of agricultural development, and does it not look as though that is what the American National Livestock Association, Mr. Jastro's company, with its 150,000 head of cattle, and those large cattlemen are after, the keeping up of these large herd units rather than allowing the country to speedily go uninterruptedly into small ownerships, and thereby get better breeds of stock, and bring about the agricultural development of the country, that should and must inevitably come sooner or later? In other words, would not the passage of this bill retard rather than stimulate the development of better stock and prevent a more diversified industry? What do you think about that tendency?

Secretary FISHER. I think there are two questions involved in what you say. I believe there has been an increase in the ownership of stock, the raising of stock by farmers as an incident to the agricultural cultivation of a certain portion of their land, and I believe that so far as it is practicable it is a wise thing; I think it is producing the results you refer to. Therefore, I would not apply a leasing law to areas which are susceptible of that kind of development; I think that is one of the important lines of development going on in the country, and I think it explains the situation in Texas, and elsewhere, to which you have referred. I understand, however, that this is a different question; this question, as it has been represented to me, is that there is a large part of the land in the West that is not susceptible of agricultural development at all, but which is adapted solely for grazing purposes, that it is so exclusively adapted for grazing purposes that that is the controlling use to which it is put. Now, I do not believe that the tendency has been toward the intensive raising of stock on land of that kind; so far as my information goes, that is not true. I believe that the increase of stock raising, to which you have referred, has been incidental to agricultural development, and that it has, perhaps, led to an erroneous conclusion. There has been a decrease in the available open range which, of course, has tended to cut down large holdings; men can no longer raise these enormous herds or flocks that they once raised through the use of an absolutely

unrestricted open range, when they started the cattle in Texas and drove them clear to the Northwest; that is now impossible on account of the taking up of land under the homestead law. So there has been a tendency to reduce these large holdings in that direction.

Now, I think there is a rational, economical unit that we ought to adopt. What is the amount of land that can be profitably used by cattle or sheep raisers without detriment to the public in the sense of creating a monopoly? That question ought to be determined, and then we ought to lease in accordance with the units determined upon. I do not know of any reason why we should give to Mr. Jastro any larger unit under a leasing law than we should give to any other individual.

Mr. TAYLOR. Let me ask you the same question that I asked the secretary of the American National Livestock Association, Mr. Tomlinson, and also the attorney for that association, Mr. Cowan: Do you think it is right for the Committee on Public Lands, or for the House of Representatives, or for your department, to consider only the interest of any one class of people engaged in one business? Would you, in administering the public domain, yield entirely, for instance, to a hardware man's opinion on something, or to a lawyer's opinion on something, or a doctor's opinion, and ignore all other interests and classes of citizens?

Secretary FISHER. That requires no deliberation in order to say no.

Mr. TAYLOR. I asked those gentlemen whether they did not think that the States of the West, the taxpayers of the West, the legislatures of the Western States, and even the boards of county commissioners of the various counties in the West, were as much interested in the development and welfare of the West as the stockmen were, and I asked them whether they would not be willing, for instance, to consult the wishes of the legislatures of these various States, the wishes of the boards of county commissioners, and even the taxpayers in each county, as to whether that county should be made into a Federal cow pasture or not, and they said no. They said they did not feel that the local interests should be consulted in this matter; that there would be a tendency to minimize or localize it; and I was wondering whether you thought the local people or other interests would tend to localize the effect of this bill, ought to be considered.

Secretary FISHER. I would agree with you and not with what you say the gentlemen said in answer to your question. I believe the local interests should be absolutely considered, because I believe they are very much concerned in this thing, and as far as I am concerned I would prefer that every cent of revenue derived from this leasing law should be paid over to the local treasury in the county where the land is situated rather than not to have a leasing law go into effect. I believe that a proper leasing law would give the local authorities more revenue than could be raised by taxation out of those lands.

Mr. TAYLOR. Would you be willing to have this bill so amended that it should only apply to the States where the legislatures memorialized Congress at their coming session this winter to have it made applicable to them, and even then only apply to the counties in which the taxpayers looked upon it as advantageous to the development of their counties?

Secretary FISHER. I do not believe that would be a wise form of legislation.

Mr. TAYLOR. Why not?

Secretary FISHER. I would rather take that into consideration before you passed the law.

Mr. TAYLOR. Would you have us ignore every other interest under the sun in the western half of the United States except the big cattlemen?

Secretary FISHER. I should say, decidedly, not.

Mr. TAYLOR. Well, it is only the cattlemen who are here asking for this bill, so far as the people of the West are concerned. There is no other interest and nobody else here from the West except the stockmen and Federal officials who want the adoption of this measure. If you gentlemen will submit to an amendment whereby the people of those States may know that their interests shall be considered as well as the interests of the cattlemen, and the big cattlemen, I may say, I do not think you will find any opposition to anything that would be for the welfare of the country; but we must not legislate at the request of one interest and utterly ignore every other interest in that part of the country.

Secretary FISHER. I quite agree with you; we only disagree as to the manner in which it should be carried into effect. For instance, the local parties are concerned about this matter because they want the land under taxation, and I would rather turn over to them so much of this revenue as would more than make good any loss of taxation, if I could put this law into effect. In other words, I would meet that objection squarely.

The CHAIRMAN. But that is not the only point of his objection. One of the main objections is that it is desirable and necessary, from his standpoint, to have some local authority pass upon the question whether or not the act should be effective as to that locality. He assumes that this bill would prevent the passage of these lands into private ownership through agricultural entries, or similar entries.

Mr. TAYLOR. Yes; that is what we fear. The taxpayers of a county are presumed to have the good of the county at heart, and the legislature and public officials of a State are presumed to have the welfare of the State at heart, and if we ignore the Federal Treasury feature of it and the Federal administration feature of it, and if it is for the upbuilding of the West, then it would seem to me that the people out there, who foot the bills at the present time, and who are the permanent settlers, ought not to be ignored, and that the American National Live Stock Association should not be permitted to come in here and ask us to legislate something onto those people for which they are not asking and which, I will undertake to say, if they are ever given a chance to be heard, they will be overwhelmingly against.

The CHAIRMAN. Before the matter should become effective you would not insist that power be given both the legislatures and other local authorities to take control—

Mr. TAYLOR (interposing). I do not know that I would, but the interests of the local people should be considered.

Mr. GRAHAM. Do the portions colored red here [indicating] indicate the lands that would be affected by this law?

Mr. TAYLOR. No, sir. That is the 320-acre enlarged homestead country. The most of that [indicating] has already been taken up. These parts of the State are forest reserves. This bill applies to the

public lands both inside and outside of the reserves. There is considerable public land outside of these forest reserves.

Mr. GRAHAM. What amount of land has been fixed upon as the maximum unit for a lease?

Mr. TAYLOR. That would depend upon circumstances, and the Secretary would determine. I believe that something along the line of what Mr. Mondell has been trying to provide—that is, a grazing homestead, depending on the character of the territory somewhat, and having a tendency to reduce large stock ranges to smaller ones, and to improve the quality of the stock, leading, of course, to the development of the country—would be a good thing; but, as I stated to the Secretary before, the fundamental difference between all of us, and the basic reason for all the difference between us, is this one word “lease.” That is the basic ground of difference here. Our western people do not look with favor upon the Government leasing these public lands. We want these lands to pass into private ownership so that they will become taxable and become subject to local administration, instead of having them administered by Federal bureaus at a distance of two or three thousand miles.

Mr. FERGUSON. So far as New Mexico is concerned, I would like to differ from you on that proposition. I want to make a statement in qualification of what Mr. Taylor has just said, and then I would like to ask the Secretary a few questions. I want to say that there are in New Mexico vast areas that are fit only for grazing purposes and that will always be fit for grazing purposes only. I agree with the Secretary on that proposition thoroughly, but I would like to ask him a question. I do not agree with Mr. Taylor that everybody is opposed to leasing. We recognize the fact that lands suitable for grazing purposes alone, where the character of the lands has been ascertained to be such as should be leased, that the leasing of such lands is a very desirable thing. It will be a very desirable thing there, because we feel that New Mexico will be largely a grazing country, and anything that will tend to systematize the industry and that will prevent conflicts between the cattlemen and the sheep men and between both the cattlemen and the sheep men and the farmers is a very desirable thing. I heard the Secretary state before this committee on some other occasion that he felt that the solution of the difficulty in the West, as between the stockmen and the farmers, depended on a proper classification of the land.

Now, I agree with him fully. That is certainly true as to New Mexico. Therefore I want to get his views as to the first few lines of this bill, as follows: “That the unreserved, unappropriated public lands of the United States shall be subject to the provisions of this act, and the President of the United States is hereby authorized to establish from time to time, by proclamation, grazing districts,” etc. This does not provide the classification that was in the Secretary’s mind when he spoke here before. Now, do you think, Mr. Secretary, that this bill could be so framed as to require that the lands shall be classified? It would not be perfect, perhaps, at best, because we have in New Mexico large areas of land that have been found to be irrigable because of underground lakes, and wells drilled to a depth of not more than 20 feet have afforded sufficient water by means of pumping to take care of farming operations on these large areas. Now, this bill would allow the President of the United States, by proclamation, to

establish grazing districts upon these lands at the instance of cattlemen. Now, I agree with Mr. Taylor there; there ought to be some sort of hearing as to every application, but this bill proposes to permit every bit of land that is not locked up in Indian reservations or forest reservations to be locked up in a grazing reservation. That would be a sad detriment to the development of New Mexico in an agricultural way.

As I have said, there are some areas in New Mexico that are fit for grazing purposes only, while in other places the lands, apparently of the same kind, have been developed by means of pumping for agricultural purposes. I would like to see some classification provided along the lines of the Secretary's statement before this committee some time ago. This bill does not provide for such a classification, and I think it is fatally defective in that respect. There is no classification provided along the lines of determining whether the lands are fit for agricultural purposes, and people who are hungry to go in and develop these lands agriculturally will be shut out from them if the cattlemen and sheepmen are permitted to take possession of areas adapted to agriculture.

MR. TAYLOR. From what you say concerning the portions of your State that have been lately discovered to be good agricultural lands which a few years ago were thought to be utterly worthless——

MR. FERGUSON (interposing). They were used only for grazing purposes.

MR. TAYLOR. It was once supposed that the whole western half of Texas would never be fit for anything except grazing purposes, but now they have found those lands to be very valuable for agricultural purposes. Now, is there any human being to-day who has sufficient foresight to know just what land is going in the future to be exclusively valuable for grazing purposes?

MR. GRAHAM. Its adaptability for some other purpose might be developed during the term of the lease.

MR. MONDELL (to Mr. Ferguson). Would you be willing to trust your own judgment in the classification of lands in New Mexico, and in determining definitely and finally that certain areas were fit for grazing purposes only, and that they never would be fit for anything else?

MR. FERGUSON. No, sir; but I would trust the executive officers, and an expert classification after full ascertainment of all the facts by competent investigators.

THE CHAIRMAN. Any classification made now would not be considered as final!

MR. FERGUSON. No, sir.

SECRETARY FISHER. Not only that, but I would assume that any classification provided for under the law would be subject to amendment as the circumstances requiring it arose. As I have stated before, the difficulty we are having now is due to the fact that we are trying to administer all kinds of public lands under general laws. We are trying to make one law fit all kinds of diverse facts, and I think it is a fundamental mistake. I think, as a general proposition, that the public domain should be divided into classes which require different administrative methods, and that we should modify that classification as, from time to time, the circumstances justified or required it. Then we would have a law applicable to each particular classification,

and, in my opinion, the result would be that we would get rid of ninety-nine one-hundredths of the present difficulties in administering the public land laws. I think that can be done, as the Congressman from New Mexico has suggested, and I believe, as Mr. Graham has indicated, that that is one value of the leasing system—that is, that what we would ultimately do with these lands would depend on developments.

Mr. RAKER. I understand from the provisions of this bill that its main purpose is to improve the ranges; that is, to protect them from depredation, from injury to the natural forage crops, and from erosion.

Secretary FISHER. And I would add to that, to prevent monopoly or a tendency toward monopoly.

Mr. RAKER. The bill provides that the President is authorized to establish grazing districts upon the unreserved, unappropriated public lands of the United States, and that the Secretary of Agriculture, under rules and regulations prescribed by him, shall execute or cause to be executed the provisions of this act, appoint officers necessary for the administration and protection of such grazing districts, regulate their use for grazing purposes, protect them from depredation, from injury to the natural forage crop, and from erosion; restore and improve their grazing value through regulations, by the eradication of poisonous plants, and by the extermination of predatory animals and otherwise; eradicate and prevent infectious and contagious diseases injurious to domestic animals. These are the main things provided for in this bill. These are the objects intended to be accomplished, are they not?

Secretary FISHER. Those are the objects declared in the bill.

Mr. RAKER. Now, for this work that the Government intends to do in handling this public domain, they expect some revenue from the people who use it under the leases. I find no provision in the bill that would limit or control the lessee of the lands for the term of the lease, or for a period, we will say, of 10 years as to the number, character, and kind of stock that is to be permitted to run on the land under the lease. Is that your understanding?

Secretary FISHER. My understanding is that all of that will be taken care of in the lease itself. The lease itself would contain provisions intended to carry out the declared purposes of the bill.

Mr. RAKER. As to the number and character of the stock that would be used on the land?

Secretary FISHER. I understand that all those things are to be taken care of in the leases and that the leases would contain the usual restrictions of that kind. The lease would cover a certain amount of territory and would give the right to put a certain number of cattle or sheep upon such territory, and it would contain various other restrictions as to the way in which the grazing shall be done. Of course, the conditions would have to be very broad, but I think we ought to be able to work out these details satisfactorily in the lease itself. I think it would be unwise to put all these detailed provisions in the law. I think all of that should be covered by the lease itself.

Mr. RAKER. Your idea is that that should be taken care of under the terms of the lease; that the man should be required to use the

lands as directed in the lease; and that the manner of using the lands should be provided in the lease?

Secretary FISHER. I think that all you have suggested would be a question of administrative detail, to be taken care of in the lease.

Mr. RAKER. Then the next proposition is this: One of the main objects and purposes to be served is to try to administer this public domain so as to encourage its going unto private ownership, in the way of homesteads, so that the country may be built up. That is one of the objects in addition to the leasing, is it not?

Secretary FISHER. I should think so.

Mr. RAKER. Do you not believe that the fencing of large tracts of land for 10 years will retard the development of that country?

Secretary FISHER. No, sir; not as much as leaving the lands unfenced—leaving them open to anybody and everybody to go upon as they are to-day. I think you have got to choose between two possible plans. You must either follow the practice you have now under which a solitary homesteader who goes upon a grazing tract and starts a farm is subjected to all sorts of trouble by the stockmen. Now, at the present time you have no way of protecting them except by the prosecution of these people; but if you should put a man on these lands under a valuable lease with a provision in it that if he interfered with the homesteader in any improper manner he would forfeit the lease you would have no trouble on that account.

Mr. RAKER. I do not want to draw any comparison on that question. I asked if it would not be the fact that the leasing of the land and fencing it up for 10 years would to a greater or less extent retard the development of the country in the way of homestead settlement?

Secretary FISHER. I think, as compared with any other available system of which I have any knowledge, other than absolutely preventing the use of the ranges, you would have less difficulty under this proposed system than any other.

Mr. RAKER. Is your observation also that at the present time practically all of the large stock men, as well as the small ones, own small tracts of private land for a home place, and then go further out and use the public domain?

Secretary FISHER. I understand that many of them have local farms or pieces of land.

Mr. RAKER. Now, conceding the purpose to be to improve the public lands, to prevent erosion, to restore them to their natural good condition, as much as may be, for grazing purposes, as well as to destroy predatory animals and stamp out contagious diseases as much as possible, if the Government is going to charge by lease for the use of the ranges, could not better results be had if so much were charged for each individual permit to run stock on the public domain per year?

Secretary FISHER. Do you mean to have no fences at all?

Mr. RAKER. Yes, sir.

Secretary FISHER. I should think not; I believe it could be handled more satisfactorily if you had a lease.

Mr. RAKER. I concede that if a man has a particular tract fenced off he would have control of it, but conceding that the Government is permitted to charge for the use of the public land each man who allows his stock to go around upon the public domain, he would have to pay so much per head per year for it, and you would then receive

a sufficient amount of revenue to care for the range as well as to put some revenue in the local treasury. Now, under that arrangement, anybody could go in there and file a homestead on any tract open to entry as he might see fit. Don't you believe that better results would be obtained under that arrangement than by having large tracts placed under lease and fenced?

Secretary FISHER. I do not. Under this plan you would have constant and immediate supervision of the lands, you would have a force of special officers on this entire range continually, with supervision of every herd and flock in there, and able to give proper protection to any homesteaders. The minute you say that anyone can go on that range and pasture his flocks and herds as he sees fit, and charge him so much per head, you make his only object a financial one to get immediate results. He has no inducement to pasture the range in a certain way for its protection and improvement, because he can see that he is going to gain nothing by it.

Mr. RAKER. But that could be controlled by regulation, just the same as we control the use of forage lands. In our home county we have forest reserves, and in between these forest reserves there are large areas of public lands that are being taken up and used by farmers, who settle in the valleys where the land is well adapted to agriculture. On both sides of these settlements in the valleys there are large areas of land, a part of it in forest reserves and a part not reserved, and on the lands not reserved the people are absolutely free to go in and locate their homesteads. Now, if this land is to be fenced in under a 10-year lease, it would greatly retard their settlement, and I believe the people should be permitted to go in there and locate their homesteads and build up the country as fast as possible.

Secretary FISHER. I believe that everywhere Congress should pass laws which would vest larger authority in the Secretary of the Interior with regard to the use of the public domain, giving him authority to control the use of it by sheepmen and cattlemen. I think every existing condition should be fully met. I do not believe, however, that a proper leasing law would deter settlement—

Mr. RAKER (interposing). I am trying to give an illustration that will present an actual condition. As I said, there are large areas of the public domain on each side of these settlements, a part of it in forest reserves and a part of it not reserved, and every day this land is being filed on. Now, if you permit them to inclose these lands for 10 years under fence, would it not tend to decrease the ultimate improvement of the remaining portion of the public domain there?

Secretary FISHER. It does not seem to me so. I think we could take care of all these things under a proper leasing law. Of course, the department should have discretion in the administration of the law, and if there should be presented any situation where it would be more advantageous not to lease the lands, it would not be done. I think the administration of the law ought to fit the facts. I can conceive of situations where it would be perfectly obvious that the land should be held for settlement by farmers, and in such a case, of course, the lands should not be leased for grazing purposes. On the other hand, lands adapted for grazing purposes and not to agricultural purposes, should be leased. The circumstances in each case should control, and the Secretary of the Interior or the Secretary of

Agriculture would make his administration of the law fit the facts in each case.

Mr. RAKER. Do you believe that this bill would cover the condition I have suggested?

Secretary FISHER. I have not examined the bill with a view to meeting the precise point you raise, but my impression is that it would.

Mr. RAKER. I believe that the Government ought to receive some revenue from the use of the public domain, but where a man has settled one of these valley homesteads, and has been there perhaps for 10 or 20 years, we ought not to permit a man to lease all the back lands right up to his home place, because that would prevent larger improvements and would prevent new homesteaders from coming in.

Secretary FISHER. Well, I would not have the law administered in any such fashion. I do not see why the situation you speak of could not be taken care of by administrative discretion. We have had a great deal of discussion concerning the Canadian law. Now, the great advantage the Canadian law possesses over yours is that it vests large administrative discretion in the responsible minister, and he makes rules to fit the facts. The trouble with our laws relating to the public domain is that they set out too many details that should be left to administration. We make these details the subject of legislation, and, consequently, we have no flexibility in the law. We can only do it this way or that way. We give no administrative discretion. I think that is a grave mistake that we make in this matter.

The CHAIRMAN. Are there any other questions?

Mr. MONDELL. You have referred to what you have denominated, I believe, as water-hole withdrawals. Under what authority of law do you make withdrawals from homesteads entry, desert entry, or other agricultural entries, lands containing water holes, springs, or lands bordering on running streams?

Secretary FISHER. Under the general withdrawal act.

Mr. MONDELL. The general withdrawal act authorizes the President to temporarily withdraw from settlement, locations, sale, or entry in any of the public lands and reserve the same for water-power sites, irrigation, classification of lands, or other public purposes to be specified in the orders of withdrawals. Do you assume that to be a public purpose?

Secretary FISHER. I do.

Mr. MONDELL. Do you think it is in the interest of the public to withdraw from homestead settlement every tract of land on the public domain that borders on a creek or stream or that has a spring upon it or a small basin in which water settles?

Secretary FISHER. I do not see why you find it necessary to ask such a question as that—most emphatically no.

Mr. MONDELL. Where do you draw the line?

Secretary FISHER. I draw the line when ever the withdrawal of the water holes is absolutely essential to the use and occupation of adjacent lands, and where its possession, if it were not withdrawn, would enable the holder to absolutely dominate several square miles of territory.

Mr. MONDELL. Then why are you not authorized and justified in withdrawing every spring and every water hole, and every piece of land that borders on a stream if, in your opinion, the control of such water would affect the use of adjacent lands?

Secretary FISHER. Chiefly for the reason that they do not, in my opinion, have that effect.

Mr. MONDELL. Who has brought to the attention of the department the desirability of doing this thing?

Secretary FISHER. Who has brought it to the attention of the department?

Mr. MONDELL. Yes, sir.

Secretary FISHER. It has been brought to the attention of the department from quite a number of sources.

Mr. MONDELL. Have you ever had any homesteaders or home seekers, intending to establish homes on the public domain, to ask to have such withdrawal made?

Secretary FISHER. I can not answer your question in that form.

Mr. MONDELL. Don't you believe—

Secretary FISHER (interposing). I assume not, because I do not believe that the lands connected with these water holes are such as the people you describe are interested in.

Mr. MONDELL. Don't you believe it would be to the interest of the large stockmen—that is, sheep men and cattlemen—to have all the water holes considered that way and withdrawn from entry?

Secretary FISHER. No, sir. I do assume that no man will turn his cattle out on the range without knowing that the cattle will be able to get to water. If there is a small area of watered land, and that small tract is taken by a man under the guise of a homestead entry, I assume that the rest of them on the adjacent lands will be under his absolute domination and control. Under such conditions, it is certainly to the public interest to withdraw it as quickly as it can be done.

Mr. MONDELL. Is not that a rather wide assumption of authority?

Secretary FISHER. I did not think so, or I would not have done it.

Mr. MONDELL. Don't you know that in the past homestead settlements in all the areas that have been settled have been made upon lands containing some water?

Secretary FISHER. Yes.

Mr. MONDELL. And therefore would not such withdrawals in the past have prevented many of the homestead settlements that have been made along the water?

Secretary FISHER. It all depends on what you are talking about. The trouble with you, Mr. Mondell, is that you state an extreme case which does not exist, and then proceed to base an argument upon that—

Mr. MONDELL (interposing). I will say that I have asked a certain question, and the Secretary has made the argument. Now, I will argue the matter somewhat. I have lived in a country where men were raising cattle and sheep for something like 40 years, and I have had something to do with these industries. I know that in these regions it would be to the interest of the people who are in the business of raising cattle and sheep in a large way to have all the water in the country withdrawn from entry so they could use it; and I know also that the very first acts of settlement in any new country

that the settler has gone into to conquer—and it always looks hard at the beginning—as I have said, the very first acts of settlement are upon lands containing some water, and if you withdraw in the interest of the big stockmen all the water holes in the country, by so doing you preclude homestead settlements and the development of the country. There is no question about that.

Mr. GRAHAM. Are these water holes of such a character that the first homesteader who came along and settled would thereby acquire absolute control of what you call the water hole?

Mr. MONDELL. If a man entered the piece of land——

Mr. GRAHAM (interrupting). In other words, is it so that only one settler could locate there?

Mr. MONDELL. If it were a small water hole—and many of them are about the size of this room—of course the homesteader would control it. The homestead settler usually settles there, because he has a few head of stock on his hands. If these water holes are withdrawn, you will have no homestead settlements, but the entire area would be used for stock-range purposes. You would never have any settlement of that region, but it would always be controlled by the large stock interests.

Secretary FISHER. All of that illustrates what I said a few moments ago. Of course, if you withdraw all the water holes, you would have no homestead entries, but no one proposes to do such a thing. In a section where there is water available for or on land which could be taken up for agricultural purposes, but which is much more valuable because of its affording access to water in connection with the development of a large area which is suitable for grazing purposes, it seems to me that the question is not susceptible to argument that the water should be kept available for that large grazing territory.

Mr. MONDELL. The Secretary used the word “development” in connection with grazing lands. There is no development achieved by simply grazing the lands, and keeping the water holes open so that cattle may go to them freely does not lead to development. What leads to development is to have somebody come into the country and establish a home.

The CHAIRMAN. Pardon the interruption, but it seems that the matter has assumed an argumentative turn, and I would like to take up another matter with the Secretary. If there is no objection, I would like to call the Secretary's attention to the bill (H. R. 24266) to authorize the sale of burnt timber on the public domain. This bill was referred to the department for a report. The committee, in considering the bill with a view to reporting it, noted the provision in line 8 which includes in the terms of the bill ceded Indian lands. We would like to have the benefit of your views upon that matter. If you are prepared to answer, the committee would like to know whether or not it is true that during recent years the proceeds of ceded Indian lands have gone for the benefit of the Indians, and whether, in your opinion, that provision is a proper one—that is, whether the proceeds from the sale of burnt timber on ceded Indian lands should be covered into the Treasury?

Secretary FISHER. I can not answer that question now, because I am not familiar with the procedure in such cases as that. It may be that the proceeds go to the benefit of the Indians and it may be also

true that they go into the Treasury and are appropriated for the Indians. There are funds which ultimately go to the Indians, and to which they are justly entitled, that are covered into the Treasury and are appropriated to them by general or special appropriation laws.

The CHAIRMAN. Will you look that up and furnish us the information?

Secretary FISHER. Yes, sir; I will do so. Did the department make a report on the bill?

The CHAIRMAN. Yes, sir; the department made a report on it, but when the committee took the bill up for consideration, they desired information on this point.

Secretary FISHER. I will have a report made on it at once.

STATEMENT OF HON. GIFFORD PINCHOT.

The CHAIRMAN. Mr. Pinchot, we would like to have your views on the subject of this leasing bill.

Mr. PINCHOT. Mr. Chairman, I shall just take a moment or two of your time for a brief discussion of the bill. I shall not take your time to enter upon a general discussion of the matter. First of all, it seems to me that in dealing with this question we have not to consider the desires of the stockmen in particular nor of any other class in particular. Here is an enormous area of public land which ought to be contributing to the public welfare, and, in my judgment, it can be so handled by the National Government as to approximately double its value.

The CHAIRMAN. What have you to say about the proposition, or rather the necessity, of classifying the lands so as to exempt areas that are suitable for agricultural entry from the terms of the bill?

Mr. PINCHOT. No one can tell now what is going to be valuable for agricultural purposes. We shall find water in a great many places where it has not yet been developed and the bill as I understand it, provides that the land shall be open to entry.

The CHAIRMAN. Have you considered the question of which department should have the administration of this law?

Mr. PINCHOT. I have some views on that matter which differ somewhat from those expressed by Secretary Fisher. It seems to me that the situation is a fairly obvious one. There are three kinds of departments under the Government—ministerial departments, like the Treasury, which deal with routine business; next, departments which have to do with production and then the departments which have to deal with distribution. Now, the Agricultural Department is primarily a department which has to do with production and the Department of Commerce and Labor has to deal with distribution.

Now, the more we can put together those things which deal with distribution and place them under one department, the better administration of such affairs we will have, in my judgment. Then, I differ also from Secretary Fisher on the question of the division of land laws. You have got to make a division somewhere between the Interior Department and the Agricultural Department in the handling of these public lands. Now, no one proposes to take the question of title from the Interior Department. The easiest place, or the place where less difficulty would be had in making that division, is along the line of

titles, and the question of the disposition of land or questions affecting the title to land would remain where they are now. But the question of production from lands should be handled in that department which has to do with production—that is, the Agricultural Department. In other words, the administration of any law having to do with production should be administered by the department dealing with that question, and laws relating to titles should be administered by the General Land Office. The difference between the line and staff, to which the Secretary referred, illustrates my point very clearly. The staff, which is entirely in the War Department, is entirely separate from the line, and there is a marked division between the field and office work. I think there is nothing more clearly established in regard to administration than that any bureau or department should have a union of its scientific work and executive work. Examples of that kind abound all around us in the Government service.

The CHAIRMAN. The question of administration, or the question of what department shall administer the matter, is more of a collateral question than a fundamental one, is it not?

Mr. PINCHOT. It is not fundamental, but it is closely connected with the efficiency of the service to be performed, and is, of course, a very important matter. Congressman Raker brought that matter out in a way that was practical and conclusive. His illustration was that of a valley which had been settled lying between two national forest reserves. Here you would have a division under which one range would be handled by one department, while another adjacent range would be handled by another department. Under a division of that kind, you would have the summer range of the stock handled by one department while the winter range of the same stock would be handled by another department, with a separate set of officers. Of course that would be very much more expensive and difficult. At the same time you have in the Department of Agriculture all the machinery that is needed now—that is to say, you have in that department experts on poisonous plants, on forage crops, the health of live stock, on soil erosion, and, in fact, on all the matters involved here. You have experts in that department who can furnish all the technical information required to handle the problem presented here, together with more actual knowledge regarding the ranges themselves than you will find anywhere else. You would have to duplicate a great deal of that in the Interior Department, because you could not well separate and use the technical information of one department in another.

Mr. RAKER. Suppose this entire scheme should be placed under the Interior Department—

Mr. PINCHOT (interposing). That could only be done at the sacrifice of separating this peculiar part of the problem I have termed production from all relation with the Department of Agriculture. The Forest Service has need of the services of experts in other bureaus of the Department of Agriculture. For instance, some very important work is done in connection with the Bureau of Plant Industry.

The CHAIRMAN. You have heard the discussion here this morning concerning the advantages of the leasing system over the proposed granting of grazing homesteads, or the acquisition of title in fee by the grazers to definite areas of land. Will you state briefly your views on that phase of the matter?

Mr. PINCHOT. A very large part of the present open range will go into private ownership, and I am strongly in favor of having the lands go into private hands as rapidly as can be done effectively. But most of the range lands have got to go into private hands in large holdings if at all, with the result that they will not be entirely developed.

Mr. GRAHAM. What, in your judgment, would be the result if they went into the hands of homesteaders? Would there probably be a concentration of the lands later on in the hands of a few men? In your opinion, would they remain as homesteads or be consolidated into large holdings?

Mr. PINCHOT. They would be consolidated to a considerable extent; much of the land could not go into grazing homesteads for the lack of water.

Mr. RAKER. Mr. Pinchot has had a great deal of experience with these matters, and I hope he may have an opportunity later on to go into the matter more thoroughly.

Thereupon, at 12.15 p. m., the committee adjourned to meet on Friday, May 31, 1912, at 10 o'clock a. m.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE PUBLIC LANDS,
Thursday, July 11, 1912.

The committee this day met, Hon. Joseph T. Robinson (chairman) presiding.

The CHAIRMAN. The hearing on the grazing bill (H. R. 19857) will be resumed. Mr. Kent, of California, is present and wishes to present some views concerning the subject matter of the bill.

**STATEMENT OF HON. WILLIAM KENT, A REPRESENTATIVE
FROM THE STATE OF CALIFORNIA.**

The CHAIRMAN. Pardon one suggestion. We have had very lengthy hearings concerning this bill, and we would be glad to hear your suggestions particularly with reference to the form of the bill and any specific recommendations you desire to make.

Mr. KENT. In that case, I shall take up the question from the standpoint of the cost of beef and show the bearing of the present condition of grazing on such cost. My partner in the business of cattle feeding, Mr. Burke, of Genoa, Nebr., has prepared a statement which I should like to have put in the record. He is probably as good an authority as there is in the country on the cost of producing beef and has no personal interest whatever in the range proposition—cattle growing on the range. He has at various times been in every part of the range country purchasing cattle for our feed lots, and has bought them all the way from Mexico to California, in every grazing State in the West.

The communication referred to is as follows:

GENOA, NEBR., *July 8, 1912.*

THE DECLINE OF THE CATTLE INDUSTRY AND THE RELATIONSHIP BETWEEN THE LIVESTOCK INDUSTRY AND THE PUBLIC LANDS OF THE UNITED STATES; ALSO STATEMENTS SHOWING COST OF PRODUCING BEEF CATTLE AND ACTUAL COST OF BEEF TO THE PACKERS.

I wish to make it clear to your honorable committee that I appear before you as a beef producer of the Middle West, a man who for the past 25 years has devoted his life to the fattening of cattle and hogs for the market and who during that period, as a purchaser of cattle from the western ranges, has had unexcelled facilities for observing live-stock conditions in the West in their relationship to the public range. I have no personal interest in having a lease law or any other legislation covering the public lands enacted, except as such a law might benefit any citizen by increasing the supply of live stock and reducing the price of meat of all kinds, besides conserving the public lands and putting them to the greatest beneficial use.

In order to give you a proper idea of the extremely high cost of production during the past winter, I wish to call your attention to the attached statements, which show not only the narrow margin of a beef producer, but also the big increase of cost to the packer which increases on the kind of animal referred to from an average of \$7.75 per hundredweight of dressed beef for the 10-year period 1901 to 1910, inclusive, to \$10.55 per hundredweight of dressed beef, as an average for the past winter.

Prices have been steadily advancing during the spring and summer months, so that now the cost in the beef for good 1,300-pound steers must be fully \$12 per hundredweight.

There is the greatest confusion in the minds of the public as to the cause of the constantly advancing prices for meat, especially beef. The many investigations of the so-called Beef Trust and the continual prosecution of the packers has tended in public estimation to place the entire responsibility for high prices of meat on them instead of distributing it where it properly belongs. The real reasons for the high prices are rather obscure to the general public, but are really economic, as only within narrow limits can the packers control the prices of meats.

First of all, the high prices of beef are caused by the decline of the cattle industry at a time when the population of our country is increasing by leaps and bounds, the number of cattle actually retrograding slightly in recent years. Now what are the causes for the decline in the cattle industry? On its face it looks like an anomaly for an industry to retrograde while prices are steadily advancing, but such has really been the case, and for the simple reason that the business of raising cattle and preparing them for market has been less profitable than other lines of business, considering risk and capital invested. Many causes have contributed. The principal ones are:

First. The rapid rise in the price of feeding stuffs and as a corollary a rapid advance in the price of lands—both grazing and farm lands—the increase in the price of feed outrunning the advance in the price of cattle, thereby enormously increasing the cost of production.

Second. Overproduction of both beef and mutton, causing at times glutted markets and very low prices.

Third. The shortsighted policy of the packers in their attitude toward the beef producers. They have usually pressed their advantage to the utmost on overcrowded markets, losing sight of the fact that eventually the producer might cease to produce.

Last, but not least by any means, the inexcusable delay on the part of Congress in formulating some definite policy for the handling of our unappropriated public lands.

Under normal conditions the live-stock business of the West is at best uncertain and precarious, but in recent years it has been extrahazardous on account of the way in which the public lands have been handled. It has been a transition period, and over vast areas there has been a gradual change from a range man's country of large holdings to a grange man's country of small holdings, with all the resulting uncertainties and friction. The situation has been chaotic and few stockmen knew where they stood. The comparatively few men who happened to be fortunately located have been powerful enough by working on the ignorance of some and the prejudice of others to block legislation tending to put the whole matter on a fair and businesslike basis. The result has been that stockmen by the thousands have been compelled either to greatly reduce their holdings or have been forced out of business, so that to-day instead of our great natural stock-producing grounds carrying cattle and sheep to their full capacity and doing the work that God intended they should do toward feeding our ever-increasing population, we are face to face with depleted ranges and a meat famine the like of which this country has never seen.

The situation is acute, but the foolish and dilatory policy of many years can not be remedied in a year or two. It is slow work building up herds of beef cattle and flocks of sheep. Only on cheap land and with cheap feed can cheap meat be produced, and we can not hope for the low prices of 20 years ago, as we have neither. The best we can do is to try to counteract the tendency toward constantly higher prices by encouraging production. Our country has many millions of acres of arid and semiarid public lands, much of which will not be ripe for settlement for many years.

We know it will take time to properly classify our unappropriated public lands as they must be before they can be handled intelligently. After classification it will take more time to apply to each class of land the proper sort of homestead law to insure permanent settlement by the home builder. No man can tell to what uses these lands may be eventually put, but for the present we know that they will benefit our country most by utilizing them in the production of meat for hungry mouths at reasonable prices. Surely every patriotic citizen owes it to his country to study the question and try to find the best way out.

There is before your committee for consideration a land leasing bill covering semi-arid public lands, which has been carefully drawn by experienced men. It may not be in all respects an ideal bill from a live-stock man's point of view, as there were other interests to be considered and protected.

It is generally conceded that any lease law covering the unappropriated public lands must first fully protect the rights of the bona fide settler, miner, or power developer, so as not to retard the settling up and proper development of the country. If it accomplishes this, and at the same time protects the live-stock men in certain points which are fundamental, it is certainly well worth your careful consideration. The main features of any lease law which, from a stockman's standpoint, is of any practical value are: First, that it give him a chance to protect his range against overcrowding; second, that it makes his lease of sufficient length to justify the necessary expenditure for stocking the range and making improvements; third, that it allow him to fence, as in that way only can he save his winter range, keep separate his cattle from others, prevent the spread of infectious diseases, get the full benefit of his own bulls, reduce straying and stealing to a minimum, classify his cattle and thereby have his beef ready for shipment, economize labor, and in various other ways make his business safe and conservative; fourth, that it give local men at least a voice in the regulation of their own grazing district; fifth, that it be so drawn as to prevent the blackmailer, masquerading under the guise of an honest settler, from taking advantage of the lessee; sixth, furnish the range at a reasonable price.

There are many other things which ought to be embodied in a properly drawn lease law; but without these fundamentals range men can scarcely hope to succeed, and the reason for hundreds of failures in recent years in the western range business can be laid to the fact that one or more of these fundamentals was lacking. The only stockmen dwelling in peace and prosperity in the range country to-day are the favored few who happen to be so situated that they have a natural monopoly either of their own or Government lands or those who dwell near the national forest reserves or Indian reservations where they can, for a reasonable sum, run their stock in security, with the assurance of plenty of feed and protection against outside stock. If a system of permits and leases works satisfactorily in these places, why shouldn't it work on a larger scale on our unappropriated public lands? It's worth trying.

EDWARD L. BURKE.

GENOA, NEBR.

Statement showing approximate cost of producing beef in Middle West during winter of 1911-12, and net returns.

Cost 1,000-pound feeding steer, at \$5 per hundredweight	\$50.00
Cost 62 bushels corn, at 60 cents.	37.20
Cost 250 pounds cottonseed meal, at 1½ cents per pound.	3.75
Cost 1,200 pounds hay, at \$8 per ton	4.80
Cost labor.	1.00
Cost maintenance feed yards and equipment.	1.00
Cost selling cost, including freight and expense, basis Chicago.	5.00
Cost of shoat, 100 pounds, at \$6 per hundredweight.	6.00
Cost interest \$70 at rate 6 per cent per annum for 6 months	2.10
Total cost	110.85

NET RETURNS.

Matured steer, 1,300 pounds, at \$7.75	\$100.75
200-pound hog, at \$7 per hundredweight.....	14.00
Total net returns.....	<u>\$114.75</u>
Net profit per head.....	3.90

NOTE.—It is necessary to introduce the hog as he is an essential part of the business. Cattle fed without hogs to eliminate the waste, practically never pay out.

Statement showing the approximate cost of beef to the packer at Chicago during the winter and spring of 1911-12, based on corn-fed western steers averaging 1,300 pounds.

Cost of corn-fed steer 1,300 pounds, at 7½ cents per pound.....	\$100.75
Deduct for hide and by-products, 80-pound green hide, at 13½ cents per pound.....	\$10.80
Deduct 80 pounds fat, at 7½ cents.....	6.00
Other by-products (see below for detail).....	3.00
	<u>19.80</u>
Cost of dressed beef.....	80.95

Beef yields 59 per cent of live weight, equals 767 pounds per carcass, equals \$10.55 per hundredweight, cost f. o. b. packing house.

To which should be added cost of buying, killing, administration, and refrigeration said to be about 35 cents per hundredweight, dressed weight.

DETAIL OF BY-PRODUCTS.

Liver.....	\$0.60	Brains.....	\$0.05
Heart.....	.15	Casings.....	.30
Tongue.....	.65	Fertilizer and blood.....	.25
Tail.....	.07	Head and feet.....	.48
Sweetbread.....	.05		<u>3.00</u>
Cheek meat.....	.35		
Tripe.....	.05		

Estimated average cost for the 10-year period 1901-1910, inclusive, of producing a 1,300-pound beef steer, fed west of the Missouri River in dry-feed lot; also statement showing the gain per head on basis of average market prices.

Cost of 1,000-pound feeding steer, at \$4 per hundredweight.....	\$40.00
Cost of 60 bushels of corn, at 40 cents per bushel.....	24.00
Cost of 150 pounds of cottonseed meal or similar product, at 1½ cents per pound.....	2.25
Cost of 1,200 pounds of hay, at \$5 per ton.....	3.00
Cost of labor.....	1.00
Cost of maintenance of feed yards and equipment.....	1.00
Cost of 1 shote (weight 100 pounds), \$5 per hundredweight.....	5.00
Interest on \$60, at 6 per cent per annum for six months.....	1.80
Selling cost, including freight, basis Chicago.....	5.00
Total.....	<u>83.05</u>

ESTIMATED AVERAGE RETURNS FOR THE ABOVE PERIOD FROM THE ABOVE STEER, ESTIMATING A 300-POUND GAIN FOR THE FEEDING PERIOD FOR THE STEER, AND A 100-POUND GAIN FOR THE HOG.

Matured steer weighing 1,300 pounds, netting \$5.65 per hundredweight..	\$73.45
Fat hog, averaging 200 pounds, at 5 cents.....	10.00
Total returns.....	<u>83.45</u>

The above shows an average profit per head of 40 cents.

.40

Statement showing approximate average cost of the beef to the packer during above period.

Cost of 1,300-pound corn-fed steer, at \$5.65.....	\$73.45
Deduct for hide and by-products, estimated average value.....	14.00
Cost of a dressed beef.....	59.45

Beef yields 59 per cent of live weight, equals 767 pounds per carcass, equals \$7.75 per hundredweight, cost f. o. b. packing house.

To which should be added cost of killing, buying, and administration, said by packers to be about 35 cents per hundredweight dressed weight.

E. L. BURKE.

Mr. KENT. Our costs now for what we call "feeding steers" are \$50 a head, for a good steer purchased in the fall, against a former cost, which ran over a good many years, of \$30 a head. Such a steer weighs approximately 1,000 pounds when put into the feed yard. There has been a rise in the price in that item, which is directly chargeable to range conditions, of \$20 a head, and the bulk of feeding cattle must be supplied by the range.

The CHAIRMAN. What period does that cover?

Mr. KENT. That rise covers a period of 10 years. Ten years ago we could buy them for \$30 a head; then the price went up to \$40, and this year the price is \$50. Now, in seeking for the reason for that rise in price, we find this situation: We find that the man who is exceptionally fortunate in having a monopoly of the range, either through leasing in a forest reserve or by having a natural monopoly, where he is not troubled by his neighbors and where he can protect himself against stealing, is the man who is reaping an advantage from this high price; the average man throughout the country is not getting the advantage of it, his condition instead is becoming constantly worse; first, from the depletion and the destruction of the forage; second, by the homestead entries which cut up the range; and third, by the fact that more and more of the time he has the difficulty to contend with of having to get along with more neighbors, because his cattle can not be segregated. This last matter I will go into a little more in detail.

Take our situation in Nevada, where I own cattle. Our cattle are "ripe;" that is, have gotten the full benefit of the grass, by about the 15th of August. From that time on there is no increase in weight and no betterment in quality, but rather a shrinkage; we can not gather those cattle and sell them for beef without going over the range and disturbing our neighbors' cattle; we can not go out and work the range except in cooperation with our neighbors, who may or may not be willing to gather stock when we wish to gather. No outfit can afford to go out and gather beef without having big pastures to hold them on adequate grass after gathering. Under the present laws it is almost impossible to get pastures so that the cattle, after they have reached their prime, usually shrink heavily before being marketed, and there is a loss in quality, as well as a loss in actual weight, owing to inability to properly handle stock on the public domain. Then where the range is not segregated it is much harder to watch and care for stock; there is much greater danger of stealing.

Our losses from leakage or petty theft have been, throughout a long period of years, very large. We ran over one period of five years and estimated, according to the ordinary methods of calculation, of branding, sales, purchases, and a high ratio of loss, that we

ought to have 6,500 cattle. We then chased over the whole country to gather our cattle together and found we had 3,500. That is typical of the situation under the present state of uncertainty of the ranges, all of which reacts on the question of cost. More and more men are going out of the business on account of these difficulties, the inability to handle their cattle properly, the inability to know where they are, and the danger of this constant loss from petty theft. Large thefts of cattle are not now so common, as it is rather difficult for a man to get away with a large bunch; but when cattle are not in an inclosure or are widely scattered and mixed up with cattle of other ownerships and drifting all over the country, the farther they get from home the more apt they are to be killed and eaten.

Mr. MURRAY. You said that the loss of 3,000 cattle reacted on the cost?

Mr. KENT. Certainly; it puts cattle growers out of business and results in a continual lessening in the number of cattle.

Mr. MURRAY. I wondered whether there would not be the converse of that, and that the fellow who stole the cattle would put them on the market.

Mr. KENT. No; these cattle were not put on the market. They were knocked in the head by scattered miners, prospectors, and hoboos, and used by them.

They were not stolen to be sold in the market, but simply killed and eaten because they were far from home and could not be watched. Our cattle in Nevada, in connection with our neighbors' cattle, range over such a tremendous area that we can not begin to watch them. The farther they stray from home the more apt they are to be killed. It seems to be the custom in this petty stealing to steal cattle that are the farthest from their headquarters.

Mr. RAKER. Right in that connection. Have you known of this matter being taken up with the Forestry Department with the request that somebody look after the cattle as well as the ranges?

Mr. KENT. The situation is very much better in the forest reserves than anywhere else; there is no question about that.

Mr. RAKER. What I wanted to call your attention to was this: The cattle organizations in my country have been working for two years upon that question, and I appeared personally before the department and urged such action; but they have consistently refused to give any aid or relief in that matter, although the men said that as they were paying taxes and paying the grazing fees they ought to have some one to look after the cattle as well as the ranges, and what I want to know is, if that is now the condition of the ranges in the reserves, what difference would it be if we created all of this as public land in the reserves?

Mr. KENT. You have asked two entirely different questions. The first question is as to whether the forestry officials can not do some policing on the ranges for the benefit of the cattlemen, and the second question is as to the balance of the public lands. Now, to get at—

Mr. MONDELL (interposing). Your suggestion is, that if a man leased a pasture or a tract of land which he can fence, that in that event anyone being within the pasture would, per se, be an intruder, an interloper, or suspicious person?

Mr. KENT. Or even if a man leased land and did not fence, his cowboys could ride that range and keep his cattle inside that range and push others out. If there are 10 owners whose cattle are mixed together, the cattle will range 10 times as widely as they would if segregated.

Mr. TAYLOR. That is done under forestry regulations now, is it not?

Mr. KENT. Yes; as to the sheep business, but I am speaking now about the cattle business. The sheep can be controlled on those ranges.

Mr. TAYLOR. The cattlemen have separate ranges in forest reserves, have they not?

Mr. KENT. Yes, sir; but the cattle are more or less mixed up, though the situation is much better than in the open range. This mixing is inevitable without fences.

Speaking now from the standpoint of pure theory and for the range business as I know it, I believe the ideal unit of a stock raiser in the arid regions is what one man or two men can handle with few helpers—something like 1,000 cattle or 5,000 sheep. Those units can be much more economically handled than the bigger herds, because it is almost impossible to employ responsibility to look after larger herds, and the losses are the things that kill the business. Now, in my opinion, there should be a definite classification of the public domain in the grazing States to hold for a period of 10 years, so as to give the stock grower a chance. There is a great deal of land in the Great Basin country that would be ruined for stock purposes by promiscuous homesteading. For instance, there might be a little valley here or there where there is just enough land to raise a crop of hay for the winter feeding of live stock from the adjacent range; if that little patch of arable land is taken for homestead, the value of the range is largely gone. I think we ought to have a more drastic bill than this to protect the stock grower for a certain period, say 10 years, after which, if the land is determined to be better adapted for homesteading purposes, it could be used for that purpose.

Mr. TAYLOR. You think there ought to be no possibility of making any entry within the leased territory during the 10-year period?

Mr. KENT. There ought to be some land definitely classified as stock-growing land, some land definitely determined as homestead land, and we might have a twilight zone in between. Where a piece of territory is determined to be stock-growing land for a period of 10 years, the stock grower should be given a chance to fence it. In this bill, however, there is nothing, to my mind, that gives the stock grower complete and adequate protection for investments in fences, which are necessarily large.

Now, to pass from cattle to sheep. We calculate that our loss in Nevada is 6 per cent of sheep per year from coyotes. It is well known that herded sheep are much more injurious to the range than sheep in pastures. Under a liberal leasing law—that is, a law which would protect a man in an investment for a coyote-proof fence, which would cost something like \$250 a mile—a great deal of the coyote loss would be eliminated, there would be a great saving in labor costs, and the range would be helped. Now, there is no encouragement in this bill for a man to put up a coyote-proof fence or to go to any large expenditure in this matter of fencing. A man is protected to a certain extent in his corrals, his wells, and other improvements on a little tract of 40

acres; but if he built a great deal of expensive fence, any homesteader or any miner could come in and break into his inclosure or could hold him up by threatening to do so, and it does not seem to me that the bill provides protection for such large and necessary investment. A large investment and certainty of tenure is necessary to obviate the present situation, when men are rushing to reach the same grass before it is matured and go over the same ground two or three times in the same season, which leaves only dust where there was abundant feed. If land is determined to have a higher value at the present time for stock-growing purposes, it should be segregated from homestead entry for a period of 10 years. It seems to me that before a homesteader should break in a grazing lease that he should be prepared to respect fences and to fence his own piece of land with the same kind of fence he found there.

Then there is another proposition here. Section 3 of the bill says "that all water on public lands or subject to the jurisdiction of the United States within such grazing districts may be used for milling, mining, domestic, or irrigation purposes under the laws of the State or Territory wherein such grazing districts are situated, or under the laws of the United States and the rules and regulations thereunder." I do not know, but some of you gentlemen may know of State or national laws that would prevent the poisoning of such waters by cyanide. I do not know of such laws.

Mr. TAYLOR. We have State laws against the pollution of waters.

Mr. KENT. I have an amendment which I will present to the committee:

Provided, That in the event of water being so contaminated by any of the above uses as to be deleterious to live stock, then in that event the users shall protect the live stock against the effects of such contaminated water under such rules and regulations as the Secretary of Agriculture may prescribe.

Mr. RAKER. In California we have a very drastic criminal law upon this subject, which prohibits anyone from permitting any deleterious matter to even flow into the waters in any way, and that law is being enforced very rigidly.

Mr. KENT. My suggestions are that the expense of fencing should be protected, and it should not be possible for an alleged settler to hold up a man who has been at large expense in improving his property, in consideration of his lease, and if that poisoning matter is satisfactorily covered by State laws, well and good.

In conclusion, Mr. Burke's statement shows definitely that the time has come when we can not look to corn feeding to produce our beef. Our cost in the feed yards in Nebraska for a 1,300-pound steer is \$110.85. That total is due, first, to the \$20 I described as the added cost on the range, to a cost of \$37.20 for corn, as against a former cost of \$12, and to the higher price of hay. Beef can not be produced cheaply, packers or no packers, on corn under these conditions. The only answer as to where we are going to get our cheaper meats must be found in the preservation and proper use of the range. In the old days we used to produce in Nevada a 1,100-pound steer off of grass, and it was as fine beef as anybody ever tasted. There was a small local market in California, but if that market was not adequate the steers were put on the cars and shipped to Nebraska, and a steer would lose 200 pounds in weight

on the way, and also lose in quality, and then have to be fed by the expensive corn process.

Mr. PICKETT. Did I understand you to say that a steer lost 200 pounds in traveling?

Mr. KENT. A grass-fed steer; a corn-fed steer loses much less; but you can get a splendid animal, of splendid flavor, that is fed on grass, but they will shrink heavily in transit.

Mr. PICKETT. How many days would a steer be in transit?

Mr. KENT. About five or six days.

Mr. PICKETT. And would lose on an average of 40 pounds a day?

Mr. KENT. Well, 200 pounds in the aggregate, and all of his quality; he is not the same animal at all. We can not stand that sort of meat waste, any more than we can stand the cost of feeding a steer on corn. A ration for a steer is 28 pounds of corn a day, a pound of cottonseed meal, and all the hay he will eat. You put into 2 pounds of beef and 1 pound of pork 28 pounds of corn, and it does not stand to reason that you can do that and produce meat cheaply. The only present possibility of reducing the price of beef and mutton must come from the preservation and development of the range, and producing good grass beef and killing near the range.

Mr. MONDELL. Or a reduction in the price of corn?

Mr. KENT. You can not have a reduction in the price of corn on account of the value of corn land. When we started in Nebraska we used to buy corn all the way from 9 cents to 25 cents a bushel, and we considered 20 cents our average price. About 15 or 18 years ago a man paid for his land about \$15 an acre, and he could pay for his land on six or seven good crops of corn at 20 cents a bushel, but a man who buys that land to-day and pays \$80 or \$100 an acre for it can not pay for his land as quickly on 60 cents a bushel for his corn. So if you want to find out where the cost comes in you will find that the increased value of the land is something that can not be overlooked.

Mr. TAYLOR. Have you figured in any way the workings of the Beef Trust?

Mr. KENT. The Beef Trust, Mr. Taylor, is a small, a very small, item in this gross cost. Here are our figures, showing our present costs in the production of a 1,300-pound steer to be \$110.85; that same steer we produced 15 years ago for \$54. There has been more than a doubling in the cost price to us, and we are not in any monopoly, or in a position to protect ourselves; our margin has been very close throughout all of these years.

Mr. TAYLOR. I am not saying you are; but is it not generally understood that the high cost of beef is caused by the workings of the Beef Trust?

Mr. KENT. I think you will find that is a comparatively small item. There is no question about the packers having taken what they could reach from producer and consumer, but their percentage will be very small when compared to the aggregate increase in costs.

Mr. TAYLOR. Do you not think they get a disproportionate rake-off? Did not Secretary Wilson report months ago that there was no reasonable relation between the cost to the consumers and what the producers have to pay for it?

Mr. KENT. They claim that their charge is \$2.60 per head to cover interest and profits and operating expenses, and they claim

their margin is very small. I do not think the difference between what they pay and what they sell the meat for amounts to more than \$2.60 at the outside per head, this for standard cattle; on cows and bulls and tail-end stuff their profits are much larger.

Mr. RAKER. Would you object to a few questions, so I may understand your position, and for my information?

Mr. KENT. Go ahead.

Mr. RAKER. I understand that the bill before the committee, in your view, is not quite drastic enough so as to protect the stock interests—that is, the cattle and sheep interests—in that it does not give the stockmen a sufficient period of time unhampered by any other handling or use of the lands?

Mr. KENT. The bill really applies to land that now is much more valuable for stock growing, on the average, than for anything else. I would not for a moment take the position that any favor should be shown to stock growers in lands adapted to homestead entries.

Mr. RAKER. I appreciate your position on that. What I mean is this: For instance, here is a tract of land for which, at the present time, there are no applicants for homestead entry or desert claims; that it is all unoccupied public land, and your position is that the bill should be so worded that if the department authorizes a lease, say, of 10 years for this particular tract of land, no difference what its size might be—5,000 or 100,000 acres—with a reasonable rent to be paid, the land should remain that way for at least 10 years, and that no outsider should be permitted to go within the inclosure and make any filings there as a homesteader—is that your position?

Mr. KENT. I would not go as far as that. I would make a man pay damages in the event of his going in there; if he went in and destroyed the fence I would make him restore the fence.

Mr. RAKER. Well, suppose a man has obtained a lease from the Government for 10,000 acres for 10 years and suppose a homesteader wanted to go in there and make a homestead, would your idea be that the homesteader should not be permitted to go within that inclosure during the life of the lease?

Mr. KENT. In some cases; yes. It all depends on the classification of the lands. There is plenty of land in the Great Basin country where a homesteader would entirely wreck a range; a man could go there and take up a homestead at a critical place on water, and in that event that grazing land would be destroyed for cattle and sheep uses. The first thing needed is classification of the lands.

Mr. RAKER. Then your theory is that when a tract of any size is authorized to be leased, say, for 10 years—

Mr. KENT (interposing). Definitely declared to be grazing land.

Mr. RAKER (continuing). That then there should be no further application for any entry of any kind during that period?

Mr. KENT. That is my idea, where the land is described as particularly valuable for grazing.

Mr. RAKER. And that should be in force for 10 years?

Mr. KENT. Yes. At the end of that time the Government would fall heir to the water development, and the better forage.

Mr. RAKER. Then the main purpose of the bill would be for the purpose of increasing the range for grazing purposes during that time—that is, for cattle and sheep?

Mr. KENT. If the land is most valuable for grazing. If the land is more valuable for grazing than anything else a chance should be given to have the forage renewed and be improved for the production of meat during that period. But where there is a divergence of interest, give the homesteader the benefit.

Mr. RAKER. Suppose they found a tract not segregated, but 160 acres here and another 160 acres there, in a tract of 100,000 acres? Would you feel that if a man should get a lease on the whole 100,000 acres that these four tracts, for instance, of 160 acres apiece, at long distances apart—which were, in the view of the department, susceptible of agricultural use—should be eliminated, or that they should be included in the whole tract?

Mr. KENT. The chances are that in a great big range, like the one you are talking about, the arable land in it would be needed for the production of hay for the use of the stock.

Mr. RAKER. And the idea would be to reserve that and lease the whole tract?

Mr. KENT. Yes, sir.

Mr. RAKER. In other words, your idea would be that the Government should arrange the remaining public lands so as to advance the interests of the stock business, for instance, cattle and sheep, as one of the incidents to the public domain?

Mr. KENT. Should classify the land and protect the grazing lands from entry for 10 years.

Mr. RAKER. Do you think that would reduce the price of beef?

Mr. KENT. It would reduce the cost of production and I do not see why it would not reduce the market price.

Mr. RAKER. Now, just one other question along that line: If the public domain were thus segregated and leased for the purpose of grazing cattle and sheep, it would not conserve, in any manner, the vegetation, such as trees or other plants, upon the land, would it?

Mr. KENT. The trees are pretty well cared for in these forest reserves now. I am talking about unappropriated lands.

Mr. RAKER. I mean that, too.

Mr. KENT. There is no question but that any system of leasing would bring a tremendous improvement in forage. One of the best ranges I ever saw was on Steens Mountain, in Oregon. I went there when the mountain was covered with tall grass, and the last time I was there it was nothing but a dust pile, the deer that ordinarily lived on the mountain were down in Henry Miller's hay field in order to get something to eat; that condition was caused by overpasturing with sheep, and it will take four years' rest before it will recover. There is no agricultural land on that mountain at all, but some below in the valleys. Now, under a leasing law every man would be interested in improving his part of such a mountain range. We have had very direct experience along that line in Nevada. We bought the land that controlled all the water, and thereby got the use of certain slopes along the streams. We have used that land for 20 years; nobody can get in there to water their sheep without trespassing on our land, and grazing there is as good as it was 20 years ago. Outside of such holdings the grazing is less than half as good. We drive our sheep up there in the early summer and drive them back in the fall and get them in fine shape, because we have this feed, without contention.

The present chaotic system on the open range is destroying the grazing. Every man is anxious to get feed for his cattle or sheep, and the result is that the grass is eaten as soon as it sticks its face out of the ground. With the loss of feed there is continual necessary reduction in numbers of stock.

I see no means of preventing this waste and destruction except through a leasing bill, and this is a start in the right direction.

Mr. TAYLOR. Have those mountains any forest reserves?

Mr. KENT. No; on Steens Mountain there is hardly a tree.

Mr. FERGUSON. This bill is of very great importance to New Mexico, which has, I presume, as much unoccupied land as any other State. As I understand your strictures, the bill in its present shape, if put in operation as now drawn, would operate to retard the settlement of farm lands in any section that might be withdrawn from entry.

Mr. KENT. I can not see where this bill will do any harm to homestead entries.

Mr. FERGUSON. Would not this be a restriction, that if a cattleman or a sheepman inclosed and fenced these tracts, of more or less extent, that he would have to go through the fence—that is, the homestead entryman?

Mr. KENT. Yes; and he ought to see that there is a proper gate there and keep that gate closed.

Mr. FERGUSON. I was impressed with your view as to classification. Do you not think that before the bill is enacted the public lands should be very carefully classified? I think there are grazing lands in New Mexico that will never be fit for agricultural purposes, and I am not averse to seeing stockmen fence large tracts of grazing land; but, as I say, the bill puts it within the power of the Secretary of the Interior to withdraw the whole of the public lands of New Mexico from the operation of the homestead laws unless the settler cuts through the fence to get out. In other words, ought there not to be a strict classification first?

Mr. KENT. Nobody is going to fence that land unless it is worth fencing. People do not generally fence it for fun, and to get the highest value out of it for the good of the whole country it seems to me the homestead entryman could afford to go through the fence and close the gate.

Mr. FERGUSON. Do you not think there should be a classification of the lands for farming and grazing, and that the power to withdraw from homestead entry should be limited only to lands that are ascertained to be fit mostly for grazing purposes?

Mr. KENT. I do not see any hardship in going through a fence. I have opened many wire gates and have closed an equal number.

Mr. SPEER. As I understand it, you think they should be allowed to enter under lease?

Mr. KENT. I should like to see this bill passed. I do not want to say anything that will prevent its passage, but it seems to me that under this bill there is not enough protection to the man who goes to the expense of building fences, and I think the homestead entryman, if permitted inside, ought to be required to use a gate and keep it closed.

The CHAIRMAN. Would not the effect of that be to absolutely prevent the establishment of homesteads within leased areas? Would not that be practically the result of it? How many homesteaders do

you imagine would go inside of one of these large ranges that was fenced if they had to incur the additional expense of paying the damages that might accrue to the lessee? It seems to me that would practically deny the right of homestead entry within the leased area.

Mr. KENT. Under this bill it would be a picnic for the homestead entrymen, because they would have the right to graze their domestic stock on the improved area. I am trying to consider the general welfare, and there is no use in trying to deny that much land in particular parts of the country has its highest value for stock growing.

The CHAIRMAN. You take the position that within certain areas the paramount use and the most important use is grazing, and for that reason the occupancy of the land by settlers should be subordinated to grazing purposes?

Mr. KENT. Exactly.

The CHAIRMAN. And that any bill that can be practically operated must recognize that principle?

Mr. KENT. Yes, sir. This bill is tremendously important to the present situation, and I want to see it passed. I merely come here to make these suggestions for your consideration and get amendments which will justify the stockman in spending money to improve the range.

Mr. RAKER. Is it not a fact that in Nevada, Oregon, and California—and I take those States because of my personal knowledge of the country—practically every rancher and farmer and small stockman is against leasing out the public domain?

Mr. KENT. No. On the contrary, I started out in Nevada as a missionary on that proposition about 10 years ago; then I was absolutely all alone, but the opinion of the people has entirely changed. People have found more safety in the forest reserves than on the open range. Most men I know now favor a lease law.

Mr. TAYLOR. In that connection, do you not think it would be highly proper to refer this bill to the various States of the West, the western 15 States where there is public domain—that is, to the governors of those States—and request them to submit it to the legislatures at the sessions this winter and ascertain which, if any, of the Western States desire to have this leasing bill applied to them, and if any of them do, then next winter make the bill applicable to those States that desire a leasing of the public lands, and if public sentiment approves of it and the general public is in favor of it, why not frankly meet the issue in that way and pass it up to them? If they recommend it, adopt the law at least as to all the States that recommend it. But if they should come back here and report against it, we would be justified then in withholding it, would we not?

Mr. KENT. I think that it is perfectly obvious that we are false to the public interests if we permit the forage on the public domain to be destroyed as it is being destroyed.

Mr. TAYLOR. If we permit the people to have something to say about it?

Mr. KENT. I do not think we ought to refer it to the States. I would not do it.

Mr. TAYLOR. Your idea is to just inflict this on the Western States whether they want it or not?

Mr. KENT. It is not an infliction.

Mr. TAYLOR. The people who come from there think it is.

Mr. KENT. There is nothing in this bill that provides such a rental as causes an infliction.

Mr. TAYLOR. You are opposed to consulting these various States?

Mr. KENT. Not at all.

Mr. TAYLOR. And are opposed to ascertaining the wishes of the people of those States?

Mr. KENT. Not at all; save the feed and consult them afterwards.

Mr. TAYLOR. In the meantime, what would happen to us men who represent those States?

Mr. KENT. I am one of them. My position is that the ranges are destroyed by inconsiderate use.

Mr. RAKER. How do the ranchers destroy them?

Mr. KENT. Where a piece of territory is not defined for the use of a single individual, everybody struggles to get that piece of land; and I can use as an example the land we control in Nevada. We do not put a head of stock on our land until the grass has gotten to where it can stand grazing. Then we put the stock on there and——

Mr. RAKER (interposing). Where do you have your stock in the meantime?

Mr. KENT. The cattle are down on the river, eating hay, and traveling up through the foothills; the sheep down on the foothills largely living on browse. It is the best kind of a range, and is grass country. Now, if this grass country were open to all, we would be competing with other sheepmen who tried to get the grass first. Anybody who knows anything about grazing knows that it is inconsiderate grazing that causes all of the damage and difficulty.

Mr. MONDELL. Mr. Chairman, I present, at the request of Mr. I. S. Bartlett, of Cheyenne, Wyo., a statement to be printed in the hearings, prepared by him, expressing his views with regard to the proposition of leasing the public lands for grazing purposes. Mr. Bartlett has lived in the West many years, has been a close student of public questions, and has written extensively in regard to western matters.

STATEMENT OF I. A. BARTLETT, OF CHEYENNE, WYO.

LEASING THE PUBLIC LANDS.

A PROPOSITION WHICH, IF ADOPTED, WOULD PREVENT HOMESTEAD SETTLEMENTS AND PARALYZE THE INDUSTRIAL DEVELOPMENT OF THE WEST.

To the House Committee on Public Lands.

GENTLEMEN: In discussing the land-leasing proposition I propose to give some facts and figures showing the effect of such legislation upon the settlement and development of the public-land States, taking Wyoming, which has the largest grazing areas of any State in the Union, as an example.

The same facts, conditions, and arguments will apply to all the public-land States. Wyoming has, in round numbers, 63,000,000 acres of land. Of this area at least 40,000,000 acres would be classed as range lands, although a large part, probably one-third, is good, dry farming land and is rapidly being settled up. Within the last few years over 10,000 dry-farm settlements have been made on these lands in this State, and such settlements are now rapidly increasing.

In fact, these are now the only class of lands open to homestead settlement in this country, as all the rich agricultural lands of the humid areas have already been appropriated.

The passage of a leasing bill, therefore, would at once paralyze all homestead settlement and arrest the development of the Western States. It would simply put these lands in the possession of a few cattle barons and make it impossible for the land-hungry settlers of our country to come to Wyoming or any of the arid-land States and take up a home.

Another important fact is this, and it is indeed strange it has never been considered: Of the 40,000,000 acres of range lands in this State over one-half, at least 20,000,000 acres, is underlaid with valuable mineral deposits, such as coal, iron, oil, natural gas, phosphates, asphaltum, etc. In Wyoming alone scientific exploration by the United States Geological Survey shows over 15,000,000 acres of coal lands, and the Government estimate gives us 424,000,000,000 tons of coal, which, if valued at 10 cents per ton in the ground, is worth over \$42,000,000,000. Our oil areas are equally large, but not so thoroughly explored. One oil company alone has contracted to supply the eastern market with 8,000 barrels of oil per day. All these oil and coal lands are on the so-called desert and would be classified as range lands.

Thus the bill would not only wipe the homesteader off the map, but would kill the development of the vast mineral deposits of the West, because the cattle barons would make no leases which would be subject to mineral exploration.

Neither would they accept a bill which gave the settler the privilege of going onto their leased lands and entering a homestead. A bill which would give the settler an opportunity of making a home on leased lands would be of no earthly use to a land leaser, as it would disintegrate his holdings.

This is so apparent that after the proposition had been fully thrashed over by Mr. Pinchot and President Roosevelt in collusion with the cattlemen from 1905 down to 1910 the Burkett bill was introduced, which absolutely prohibited the homestead settler from going onto such leased lands.

Section 3 of that bill reads as follows:

"The land upon which buildings, corrals, reservoirs, wells, or other improvements owned or lawfully controlled by the holder of a grazing permit have been established shall not, when such improvements exceed \$100 in value, be subject to settlement or appropriation under the public-land laws during the permit period without the consent of the owners of such buildings, corrals, reservoirs, wells, or other improvements."

The permit period in the bill was 10 years with a right of renewal, which made the lease really perpetual.

Three land-leasing bills have so far been introduced and each one of them has kept this section inserted in the precise language here given.

The Burkett bill was introduced in December, 1907, the American National Live Stock Association bill on January 22, 1908, and the Curtis bill on February 18, 1908. Every one of these bills practically prohibited homestead settlements, and the stockmen have declared that any bill without such a provision would be worthless to them, as they would never know when their holdings would be cut up and taken away.

The conspiracy of Pinchot, the cattle barons, the Beef Trust, and the National Live Stock Association to rob the citizens of the United States of the right to homestead our public lands is so plain that a wayfaring man though a fool need not err therein.

Roosevelt with his insane lust of power and disregard of the Constitution and laws, urged on by Pinchot and his bureau of misinformation, was only too glad to advocate the scheme which practically relegates the arid-land States back to a condition of conquered colonies, and he constantly urged the passage of the leasing bill in speeches and messages.

That the Western States should surrender their jurisdiction and sovereignty over three-fourths of their domain to a Federal bureau is almost inconceivable. The land States under a leasing bill would have no more control over their own territory than they would over the District of Columbia or any United States military reservations, excepting that they would be allowed the privilege of criminal jurisdiction and of paying the accompanying expenses thus entailed.

If the people of Wyoming should vote on the question to-day from 85 to 90 per cent of our people would oppose such leases. Our people have discussed this question for six years, and we know the impossibility of framing a bill that would be just to the mining interests, the homestead settlers and small ranchmen, and at the same time satisfy the big cattlemen.

Some years ago the secretary of the Wyoming Stock Growers' Association publicly stated that "Wyoming needed more cattle and less men." The land-leasing bill expresses this idea in an effective, concrete form.

The only hope of the rapid settlement and development of the West is in the common people. The leasing bill is practically a high tariff protection bill, putting a tremendous monopoly in the hands of a few men with unlimited capital.

Our arid lands are now settling up rapidly with a good class of hardy, intelligent Americans. Eventually with the small ranchmen, these settlers in addition to agricultural crops, will produce more cattle, sheep, and horses than would be possible if the land is kept in a wild and desert range for the large herds.

What is the argument for leasing? Mr. Pinchot gave as a reason for revolutionizing our land system that the western ranges were overstocked; that the grass supply was exhausted by reckless pasturing of the stockmen and farmers. This was a pure fabrication as the facts will show.

In 1909 when Pinchot made this absurd statement, it is shown by the State official reports that in Wyoming, the leading range State, the ranges were in splendid condition notwithstanding the fact that the State was pasturing more than twice as many sheep and cattle then than the State had 10 years before. This was true of the other range States.

For instance, the official figures of the State auditor show that there were grazing on the range in 1899 cattle to the number of 311,629, while in 1909 there were 792,797 on the range. The number of sheep in 1899 was 2,130,143, while in 1909 they numbered 4,878,125. The aggregate value of sheep and cattle was \$23,276,623 in 1909, against \$7,211,843 in 1899, an increase of 300 per cent. At that time no one was complaining of the shortage of grass. Since then it is true, we have had two years of drouth, but that is not owing to any fault of the laws or of the cattlemen, sheepmen, or homestead settlers, as it is not possible to make laws which will avert the acts of providence or control the forces of nature.

This bill is only another step in the march of socialistic imperialism. The extraordinary powers already granted the President, the power of unlimited withdrawal of lands, both agricultural and mineral, have already arrested the normal development of a new land and put sovereign States in the position of conquered provinces and made their development dependent upon the whims or caprices of some bureau chief who knows little or nothing of the conditions in the arid-land States, and we know that during the last two national administrations there has been no sympathy or cooperation given the pioneer settlers of our western wilderness by the Federal Government.

The ordinary Congressman seems to have no conception of the marvelous resources of the arid-land States. These resources, so varied and extensive, have hardly been touched, and yet so great has been the development in irrigation, dry farming, fruit raising, stock raising, in the mining of metals, the production of oil, coal, iron, asphaltum, phosphates, and other valuable deposits that it is the wonder of modern civilization. Nine-tenths of all these resources are on our pastoral ranges.

This region is a new land and must of necessity become the field of our future national expansion. If it is to be retained as range land and given over to the pasturage of cattle and sheep, all its magnificent resources will be left to slumber and a calamity visited upon our people and the entire Nation too great to be expressed in human language.

If there is any serious effort to be made for passing this bill, let us have a referendum. Let the land States have a chance to vote upon a proposition that so vitally affects their future progress and destiny. It can not be possible that the eastern and southern States would wish to force such a measure of despotism upon the sovereign States of the mountain and plain against their interests and wishes.

The American policy of land administration down to within 10 years ago has been to encourage individual initiative and enterprise, by parting with the Government title and giving the settler, prospector, and miner such lands and mines as they could improve and develop. Under this policy our Nation has wonderfully prospered.

For the past 10 years this policy has been exactly reversed, and we now have a system of modern feudalism, enforced by decrees, orders, and instructions which practically nullify the best features of our land laws.

The passage of a leasing bill would just about complete the metamorphosis of this system of free homes for the people to a system of Federal landlordism, and we should have about 25,000 new officeholders swarming in the West, collecting rents and hauling settlers into the Federal courts and having them fined and imprisoned for fancied violations of some imperial decree of a land bureau at Washington.

That is what a land-leasing law means.

I. S. BARTLETT.

NATIONAL CONSERVATION ASSOCIATION,
Washington, D. C., May 5, 1912.

HON. JOSEPH T. ROBINSON,
House of Representatives, Washington, D. C.

DEAR SIR: To my regret it is necessary for me to leave Washington before the next hearing of your committee upon Mr. Lever's bill for the improvement and regulation of grazing upon the public lands. I must, therefore, take this way of communicating to you the vigorous and unqualified indorsement of Mr. Lever's bill by the National Conservation Association, of which I am vice president.

The principle of reasonable foresight and thrift in the use of a great natural resource is so clearly embodied in this bill as scarcely to call for comment. But the following definite questions naturally arise regarding the advisability and practicability of the proposed measure, which I will discuss briefly:

Is the condition of the public range so seriously impaired by misuse as to make the control of grazing by the Federal Government an urgent public necessity?

I think this question has already been convincingly answered by the testimony before your committee, of gentlemen like Mr. Potter and Mr. Tomlinson, who possess an intimate, first-hand knowledge of public-range problems and conditions. While no exact records are available to show in detail the rate of deterioration in the forage crop upon the public lands through excessive use, I believe the statement to be well within the facts that the carrying capacity of the public range has been generally reduced not less than one-half by overgrazing. That I believe to be the consensus of opinion among those men best qualified through actual observation and practical experience in the western stock business to estimate the degree of damage already done.

Without a system of leasing and regulation this deterioration in the forage value of the public lands will inevitably continue. The demands for the use of our grazing lands are sure to increase in the future, as they have increased in the past. Unless the Federal Government regulates the use of the 300,000,000 acres of grazing lands within the public domain of which it is the custodian, no reasonable basis exists for the hope that their usefulness will not become steadily lower year by year.

Another practical question which arises with regard to this bill is this: Granting that range regulation is necessary in order to maintain and improve the forage crop, can it be put into effect under this bill without great expense and with the definite assurance of efficiency? The answer to that question lies, as I see it, in the results of range control within national forests by the Forest Service. When the Forest Service began to administer grazing within national forests some six years ago, much injury had already been done to the range through misuse. Conditions were much the same as on the unappropriated public domain to-day. There was, however, at that time, on the part of a majority of the stockmen, the doubt whether range administration by the Government was a practicable thing. It was held by many that the problem was too vast and too complex to be solved satisfactorily, and that the stockmen would get no adequate return in range improvement for the payment of their fees, and that nothing was left but to let present conditions continue and to permit range deterioration to go on. What has been the result? In these six years the Forest Service has established on national-forest ranges a system of control and regulation which is one of the most successful examples of practical administration to be found in any branch of the Federal Government. The condition of these ranges has steadily improved, and as the result they are carrying an increasing number of stock each year. Range wars have been eliminated, and a fair allotment of the different classes of range made to sheep and to cattle. Predatory animals which prey upon live stock have been largely killed off. Successful experiments are going forward in the improvement of the range by reseeding, and the eradication of plants injurious to live stock. A generally wholesome condition has been restored with direct benefit to the general public as well as to the stockmen, and all this has been accomplished not only without one cent of cost to the Federal Government, but with a net return from grazing fees of about \$500,000 a year.

The regulation provided for by Mr. Lever's bill would not entail new and elaborate administrative machinery. In the Department of Agriculture the organization already exists in the Forest Service for putting its provisions into immediate effect. The only additional expense involved would be the employment of the men actually needed on the ground to supervise the use of the range and to handle the details of the work. This expense would be much more than covered by the fees for which the bill provides.

As has been shown clearly in the testimony given before this committee, the representatives of the stock industry are themselves asking for regulation of the public range. These gentlemen are urging legislation which will impose a charge upon them for the use of the public range, and which will put that use under Federal control, both as to the kind and the number of stock grazed. The reason lies in the fact that the stockmen clearly see that in this regulation lies the only possible assurance not only for the wholesome growth, but in many localities, for the actual existence of their industry.

The provisions of the bill which you have under consideration are not the result of desk work and of theory. They are the final expression of the conviction which has been growing steadily for many years among the stockmen, and among Government officers, that range regulation must come outside the national forests as it has within them. This bill simply proposes that the nation shall do for the grazing lands within

the public domain what the thrifty farmer does when he limits the number of head he turns upon his pasture lot to that which it can carry through the season without reduction in its carrying capacity another year. Other countries, like New Zealand, Australia, South Africa, and South America, either already have leasing systems in effect for their public ranges, or in process of adoption. The time has long since come.. as I see it, when this Government must conserve not only the forests but also the ranges which it holds in trust.

Sincerely, yours,

OVERTON W. PRICE.

AMERICAN NATIONAL LIVE STOCK ASSOCIATION,
Denver, Colo., June 13, 1912.

HON. JOSEPH T. ROBINSON, *Washington, D. C.*

DEAR MR. ROBINSON: I have the honor to send you herewith a copy of a letter from Mr. A. E. Goodwin, of Fort Collins, Colo., reciting at some length the difficulty he has encountered and the annoyance and losses to which he has been subjected in trying to use part of the open range adjacent to the land which he owns. I am sure that the same difficulties and objections obtain in other locations all over the West, and it is because of these most unsatisfactory conditions that the stockmen hope your committee will act favorably on the Lever bill now pending before you. I would be glad to have you make this letter of Mr. Goodwin's a part of your printed record of your hearings.

If it will not be transgressing too much on your time, I wish you would kindly inform me the present status of this bill and any other information regarding it of interest that you may care to write.

Yours, respectfully,

T. W. TOMLINSON, *Secretary.*

FORT COLLINS, COLO., *June 5, 1912.*

MR. T. W. TOMLINSON, *Denver, Colo.*

DEAR SIR: I have written Hon. Edward T. Taylor and also Hon. A. W. Rucker, of this State, in regards range conditions which I have to contend with. Taylor's letter, in answer to mine, seems to be of a much different opinion than I. He says he does not wish to convert Colorado into a pasture. A. W. Rucker feels as I do, and I can not see how a sane man can feel as Taylor does unless laws made can not be enforced.

At this present moment my old partner and I own 6,500 acres of land, of which you know Government land must be the alternating sections of a great deal of it, and we have fenced outside, thus laying ourselves liable to United States laws. These conditions existed when we purchased the land. We did own 325 head of cattle. A man just north of us with a desert filing on 80 acres of land has 175 head of cattle and lives in a cabin on our land. He at one time purchased two sections of land, paying \$2.75 per acre. Afterwards, thinking this too high, he turned the land back, and we then purchased it, paying \$5 per acre. Then he deliberately told us, when we proceeded to fence, that if we did so, he would notify the United States Government that we had Government land fenced. Thus he kept us from fencing last year, and he has had the use of \$6,400 worth of property of ours without a cent's cost to him, we even paying the taxes on it. Also three sections that we leased of the same man we bought the two sections of is out in the open, and he has pastured this, which we paid \$120 a year for the use of. As you will see, \$600 is about what we are out for leasing and interest for the benefit of a scoundrel who takes advantage of conditions of our national laws. Now, we did not wish to be placed in the position of a hog, when it came to Government land.

One other fellow on the east has a bunch of about 100 head of cattle and owns one section and 160 acres and has the use of the balance of the section where his 160 is fenced. He deliberately turned his cattle in my pasture. I turned them out. He also told me he would notify the United States Government. I tried to get him to confer with all the neighbors and allot the Government land adjoining, which is as near equitable as is possible to do. He would not do this. I agreed to build a fence, giving him 320 acres of Government land of a section we had previously, before we purchased this land, been divided between the owner and another neighbor. This is right in the mountains and costs us at least \$200 to build the fence, and he would not agree to be then satisfied, although I offered to allow him to put my partners and my proxy in the conference with the neighbors, and I came to the conclusion we were up against a peculiar proposition, and it seems to me it ought to be overcome by legislation in some manner. While he has not done anything yet, I believe it is because he is ashamed to notify the Government. But I don't care how soon it comes. If it is a

matter of war, why I must quit the cattle business and take up sheep. That is a method that any man can get even with his neighbor with. But I am naturally a cattleman and do not wish to do this. My partner and I dissolved partnership in order to particularly overcome the conditions of fencing, which seems an absolute shame, because the ranch was about the right size to handle a nice bunch of cattle.

I explained all these conditions to Taylor and to Rucker. Rucker has referred me to you as secretary of the American National Live Stock Association. I suggested to both that a bill might be passed whereby one man could lease 5 sections or 10 or even less, that join his land, thus not creating a monopoly for one man. Mr. Rucker says the Lever bill will probably remedy the evil with which I have to contend. It is not to be wondered at if sheep and cattle men take their revolvers and settle their differences when we send intelligent men to Washington to make our laws and can not receive some legislation whereby land which it is impossible for a man to make a living on—to homestead—can not be redeemed by any further act of Congress, whereby land adjoining could be leased in some manner. Makes the land he already has practically valueless. We are in the foothills, where the fencing is an awful expense.

Would like to know what is incorporated in the Lever bill. Senator F. E. Warren is north of us, and you know the rest.

My home State is Wisconsin. Am in touch with the State senator, who is a personal friend of La Follette and Lenroot. I had arranged with this State senator to go to Washington and try and get a bill passed covering the ground I have stated to you, but my partner did not feel as though we could stand the expense. Anything I could do that you would suggest I would be only too glad to do.

The trouble with the people in Washington, I believe, is the fact that they do not understand western conditions. Taylor does, and why he should write me as he did I can not understand. I can see Warren would not want a bill passed to lease Government land, because in the sheep business he can get it without leasing, which is cheaper.

The first man I mentioned has more than one-half the number of cattle we have and has not a dollar invested in land, and we have \$30,000 or \$40,000 invested. There is something wrong with the system, and it is liable to make any man show his teeth.

Yours, truly,

A. E. GOODWIN.

OAKLAND, CAL., April 24, 1912.

HON. JOSEPH T. ROBINSON,

Chairman Committee on Public Lands, House of Representatives,

Washington, D. C.

DEAR SIR: H. R. 19857, a bill for the improvement of grazing on the public lands of the United States, and to regulate the same, and for other purposes, is, I believe, before your committee. The bill is the result of many years' work and practical experience on the part of men who have only the public interests at heart.

As the chairman of the conservation commission of the State of California, and speaking for the commission, I indorse the bill very heartily, and sincerely and earnestly hope that your committee may see its way clear to report the same out with the recommendation that it do pass.

Very truly, yours,

GEO. C. PARDEE.

PAUL E. VERNON & Co.,

22-24-26 Reade Street, New York, May 24, 1912.

HON. WILLIAM CALDER,

House of Representatives, Washington, D. C.

DEAR SIR: Let me call your attention to the desirability of the passage of bill S. 3462 or H. R. 19857, having in view the conservation of our public grazing range.

One or both of these bills are now under consideration by your honorable body. I do not know whether Congress has any power in the matter of granting the city of San Francisco the right to use the Hetch Hetchy Valley for the storage of water, but as you have a very great, although perhaps indirect influence, I venture to write my opinion that San Francisco should be given that right.

I lived in San Francisco four years and know that the city was in great need of a cheap and largely increased water supply. The city is built on an arid, treeless peninsula, and some years ago the only source of water supply was two ponds among the sand hills a few miles south of the city. These ponds were owned by the Spring Valley Water Co. and the price paid for water in the office where I worked was ten times the

cost of an equal amount in Brooklyn, reckoning by the number of faucets, etc. During several months of the year no rain falls in San Francisco and the sewers become foul and the dust-laden streets very disagreeable when blown upon by the summer trade winds.

Few are more interested in natural scenery than I am. I have visited Alaska, Central America, the mountains of Norway, the Alps, and the Pyrenees, and am a member of a New York Mountaineering Club and the Alpine Club of Canada, but, nevertheless, believe that the scenery of the Hetch Hetchy Valley should be subordinated to the crying needs of San Francisco, which is now struggling to be free of a Ramapo ring.

Very respectfully, yours,

HOWARD W. VERNON,
58 South Portland Avenue, Brooklyn.

NORTHWEST DEVELOPMENT LEAGUE,
Helena, Mont., May 13, 1912.

CHAIRMAN OF COMMITTEE ON THE PUBLIC LANDS,
House of Representatives, Washington, D. C.

DEAR SIR: I am advised from several sources that your committee has before it for consideration a measure providing for the leasing of portions of the public domain in western States for grazing purposes. I am writing as an officer of the Northwest Development League to enter the emphatic and unqualified protest of this organization against the passage of the bill now in question, or any measure of similar intent and purpose. Such measure would work great hardship to our league and to all forces engaged in the colonizing of western and northwestern territory. We are working with hearty cooperation of all the railroads entering this territory, and I feel sure that the officials in charge of the immigration work of the various lines will agree with me that almost any obstacle which we could encounter would be preferable to the condition which would be brought about by this proposed legislation, namely, the confronting of settlers which we have brought in, and who are anxious to either purchase or settle upon Government domain, with large tracts of the latter out of their reach and under control of large and powerful stock concerns.

I would much appreciate an expression of opinion as to the status of this bill and any information you could give me regarding the same.

Yours, very respectfully,

LEWIS PENWELL, *President.*

EXECUTIVE OFFICE,
Helena, Mont., May 13, 1912.

PUBLIC LANDS COMMITTEE,
House of Representatives, Washington, D. C.

GENTLEMEN: I am informed that there will be presented to your committee a resolution adopted at a meeting of the executive committee of the Public Lands Convention, requesting that action upon the Lever bill be deferred until the meeting of the people of the public-land States to be held at Boise, Idaho, about the 1st of August, next.

I heartily concur in the resolution referred to and join the committee in urging upon your committee that action be postponed as requested.

Yours, truly,

EDWIN L. NORRIS,
Governor of Montana.

At a meeting of the executive committee of the Public Lands Convention, comprising the States of Alaska, Arizona, Arkansas, California, Colorado, Idaho, Montana, Nebraska, Nevada, New Mexico, Oregon, South Dakota, Utah, Washington, and Wyoming, held at Salt Lake, May 2, 1912, the following resolution was unanimously adopted:

"Whereas the governors of the Western States will convene at Boise, Idaho, on August 1, 1912, at which time and place questions pertaining to public lands and the conservation of the natural resources will be discussed and the position of the Western States will be defined and made known to the Congress of the United States: Therefore be it

"Resolved, That it is the sense of this committee that further action upon the Lever bill or legislation of a like character be deferred until the people of the public-land

States may be heard and their positions on the great questions made known through their governors at the convention to be held at Boise, Idaho, August 1, 1912.

"J. W. MUSSER, *Secretary*."

I heartily concur in the above resolution and join with the committee in requesting that action be postponed until the wishes of the Boise convention has been made known.

W. C. McDONALD,
Governor of New Mexico.

[Telegram.]

SALT LAKE, UTAH, May 3, 1912."

PUBLIC LAND COMMITTEE.

House of Representatives, Washington, D. C.:

At a meeting of the executive committee of the Public Lands Convention, comprising the States of Alaska, Arizona, Arkansas, California, Colorado, Idaho, Montana, Nebraska, Nevada, New Mexico, Oregon, South Dakota, Utah, Washington, and Wyoming, held at Salt Lake May 2, 1912, the following resolution was unanimously adopted:

"Whereas the governors of the western States will convene at Boise, Idaho, on August 1, 1912, at which time and place questions pertaining to public lands and the conservation of the natural resources will be discussed and the position of the western States will be defined and made known to the Congress of the United States: Therefore be it

"Resolved, That it is the sense of this committee that further action upon the Lever bill or legislation of a like character be deferred until the people of the public-land States may be heard and their positions on the great questions made known through their governors at the convention to be held at Boise, Idaho, August 1, 1912.

"J. W. MUSSER, *Secretary*."

I heartily concur in the above resolutions and join with the committee in requesting that action be postponed until the wishes of the Boise convention have been made known.

WILLIAM SPRY, *Governor of Utah.*

LAW OFFICES AMES & CRANE,
483 BLOOMFIELD AVENUE,
Montclair, N. J., May 21, 1912.

HON. JOSEPH T. ROBINSON,

Chairman House Public Lands Committee, Washington, D. C.

DEAR SIR: Our attention has been called to a bill introduced in the House by Mr. Lever, of South Carolina (H. R. 19857), on which public hearings are now being held before the House Public Lands Committee.

I wish to urge with all the force of which I am capable that this bill be passed, as I believe the objects sought to be obtained by it are most necessary and desirable.

Yours, very truly,

WM. WHITNEY AMES.

LEWISBURG, PA., May 21, 1912.

HON. JOSEPH T. ROBINSON,

Chairman House Public Lands Committee, Washington, D. C.

DEAR SIR: My information is that a bill has been introduced in the House by Mr. Lever, of South Carolina (H. R. 19857), to conserve the public grazing range, and that public hearings on it are now being held before the House Public Lands Committee. The passage of this bill seems to me to be of great importance, and I wish to assure you of my interest in the passage of this bill, and to urge favorable action thereon on the part of your committee.

Very truly, yours,

PHILIP B. LINN.

NEW YORK, May 20, 1912.

HON. JOSEPH T. ROBINSON,

Chairman Public Lands Committee, House Office Building, Washington, D. C.

DEAR MR. ROBINSON: Together with many others throughout the country, I am very much in hopes that the bill H. R. 19857, introduced by Mr. Lever, of South Carolina, and now before your committee, will be reported favorably.

It is of very great importance, and wholly to the public interest.

Yours, sincerely,

MILES M. DAWSON.

F. W. KELSEY NURSERY CO.,
150 Broadway, New York, May 20, 1912.

HON. JOSEPH T. ROBINSON, *Chairman, Washington, D. C.*

DEAR SIR: Having given the subject of the conservation of our natural resources considerable attention, permit me to express a decided conviction in favor of the prompt passage of bill H. R. 19857, relative to conserving public grazing lands, and the hope that the bill will appeal to your committee and colleagues and thus insure its early enactment into law.

Thanking you in advance for your good offices to this end,

Very respectfully,

FREDK. W. KELSEY, *President.*

AMERICAN ASSURANCE CO.,
Philadelphia, May 20, 1912.

HON. JOSEPH T. ROBINSON,

Chairman House Public Lands Committee, Washington, D. C.

DEAR SIR: I notice that public hearings are being held on the bill known as H. R. 19857.

As a citizen of these United States I am greatly interested in this bill, because, as I understand it, it gives promise of carrying out the recommendation of the National Conservation Association.

On account of personal business I shall not be able to reach Washington so as to back up my recommendation in person, and therefore would be glad to have you consider this letter as an expression of my personal feeling in regard to this important subject.

Yours, very truly,

REINHOLD R. KOCH, *President.*

THE BELL TELEPHONE CO. OF MISSOURI,
St. Louis, May 22, 1912.

HON. JOSEPH T. ROBINSON,

Chairman House Public Lands Committee, Washington, D. C.

DEAR MR. ROBINSON: Allow me to urge upon you the importance of the passage of bill H. R. 19857, to conserve our public grazing range. It appears to me that this is one of the most important steps in the conservation of our public assets, and I trust your committee will be able to secure its prompt passage.

Very respectfully,

FRITZ NISBET.

THE SURVEY,
105 East 22d Street, New York, May 23, 1912.

MR. JOSEPH T. ROBINSON,

Chairman House Public Lands Committee, Washington, D. C.

DEAR SIR: Will you count me in as one of those urging the passage of legislation to conserve a public grazing range (S. 3462 and H. R. 19857).

Yours, very truly,

PAUL U. KELLOGG.

PENNSYLVANIA DEPARTMENT OF FORESTRY,
Harrisburg, May 23, 1912.

HON. JOSEPH T. ROBINSON,

House of Representatives, Washington, D. C.

MY DEAR MR. ROBINSON: As a member of the Pennsylvania Conservation Commission and one who is interested generally in the preservation of all things relating to the future good, I write you in behalf of the grazing bill (H. R. 19857), which was introduced in the House by Mr. Lever, of South Carolina.

I believe this is a highly important measure and should be enacted into law by the present Congress. I trust that there will be no hesitancy on the part of the members of your committee in realizing that a bill of this character is based on the general good for all the people, and will be especially productive of valuable results in the regions where the national forests lie.

In Pennsylvania we have no serious grazing problem, but we thoroughly realize what it means to the people of the West.

In this State we are also interested in an appropriation carried by the general agricultural appropriation bill amounting to \$80,000 for the suppression of the chestnut blight, and particularly to be used by the department in preventing the advance of this destructive disease. This effort will therefore naturally be exerted among the States of the Southern Appalachian region. Mr. Lever, who introduced the above grazing bill, is one of the conferees who will determine on the part of the House whether or not the full amount of the chestnut-blight appropriation will be allowed. We who are in this work feel that this full amount should be allowed, and if you can induce Mr. Lever to see the matter in this light, we in Pennsylvania will be very greatly appreciative for your courtesy and help.

Very truly, yours,

I. C. WILLIAMS, *Deputy Commissioner.*

MARKUS EVANGELICAL LUTHERAN CHURCH,
St. Louis, Mo., May 22, 1912.

HON. JOSEPH ROBINSON,
Chairman House Public Lands Committee, Washington, D. C.

HONORED SIR: I understand that at the present time a bill as to the conserving of the public-grazing range is being considered before the House Public Lands Committee. Now, since this bill is, in my estimation, of the greatest benefit and value to the conservation of a vast natural resource, I would kindly ask you to lend all your energy to the passage of this bill. Trusting that you will personally favor this bill and so do all in your power to have it passed, I am,

Yours, very respectfully,

W. HALLERBERG.

LAW OFFICES,
321 Chestnut Street, Philadelphia, May 23, 1912.

HON. JOSEPH T. ROBINSON,
Chairman House Public Lands Committee, Washington, D. C.

DEAR SIR: I understand that the bill to conserve the public-grazing range (H. R. 19857) is before your committee. I am writing to say that I hope this bill will receive favorable consideration of your committee and that they will see their way clear to recommend its passage.

Yours, truly,

PERCY H. CLARK.

STATE GEOLOGICAL SURVEY,
Urbana, Ill., May 22, 1912.

HON. JOSEPH T. ROBINSON,
Chairman House Public Lands Committee, Washington, D. C.

DEAR SIR: I have the honor of addressing you on behalf of House bill 19857 introduced by Mr. Lever, and referring to the conservation of the public-grazing range.

Although this act does not affect land in Illinois I feel sure that its enactment, together with other desirable conservation measures, is greatly to be desired by all of our citizens. On behalf of the American Association of State Geologists, of which I am secretary, I have the honor to request your careful consideration and approval of this measure if possible.

Yours, very truly,

F. W. DE WOLF.

THE J. & P. BALTZ BREWING CO.,
Philadelphia, May 23, 1912.

HON. JOSEPH T. ROBINSON,
Chairman Public Lands Committee, Washington, D. C.

DEAR SIR: I understand that public hearings are now being held before the House Public Lands Committee of the bill H. R. 19857, to conserve the public-grazing range, introduced in the House by Mr. Lever, of South Carolina. I would respectfully urge

your assistance in securing the passage of this most important measure, which looks to the conservation of a great natural resource in the interest of all the people.

I have the honor to remain, sir,
Yours, respectfully,

HARRY R. BALTZ.

THE PENN MUTUAL LIFE INSURANCE CO.,
Philadelphia, May 24, 1912.

HON. JOSEPH T. ROBINSON,
Chairman House Public Lands Committee, Washington, D. C.

DEAR SIR: All who are concerned in the future welfare of this nation are deeply interested in House bill No. 19857, introduced by Mr. Lever of South Carolina, upon which, I understand, hearings are now being held before your committee. I sincerely hope that favorable consideration will be given to this measure and that it may meet with the approval of your body. You realize, I am sure, the importance of this bill, and I bespeak your favorable influence.

Yours, very truly,

F. H. GARRIGIUS.

ROBT. H. INGERSOLL & BRO.,
New York City, May 22, 1912.

HON. JOSEPH T. ROBINSON,
Chairman House Public Lands Committee, Washington, D. C.

SIR: Referring to Mr. Lever's bill, H. R. 19857, on the subject of conservation of grazing lands, while my information is of a quite general character, I am impressed that there is growing up in this country a system of land monopolization and speculation which, when it is fully developed, as it will be in a few years, will be simply appalling in the conditions which will then be shown.

I have heard of one so-called ranch which extends through 3 States, one of which is California, which comprises some millions of acres—my impression is 15 or 20—and on which single ranch cattle may be driven for 1,000 miles. And while this is perhaps the largest instance that may be cited, except as to size, it is typical of hundreds that exist.

My belief is that the fundamental remedy is clearly that of taxation, i. e., the single tax, which, applied to such a situation, will make use the only basis on which land can be held in a large amount.

Meantime I trust your committee will give most careful attention to any plans of conservation of such lands as still remain public.

Yours, very truly,

C. H. INGERSOLL.

LEOPOLD DESK CO.,
Burlington, Iowa, May 21, 1912.

HON. JOSEPH T. ROBINSON,
Chairman House Public Lands Committee, Washington, D. C.

DEAR SIR: I am very much interested in a bill or bills now before Congress for the preservation of public grazing range. I think one is S. 3466 and the other H. R. 19857. I am rather closely connected with parties in the West, and I know it is of greatest importance to the whole country from the Missouri River west that everything be done to preserve the range on public land for the benefit of the people. The Government has been entirely too economical in the care of its ranges and forests. Stop to think how valuable this property is to the people and how little it would cost to preserve it properly from destruction by fire or reckless use. No reasonable person should oppose a much more liberal policy from the Government in regard to the preservation of this property.

Trust you will do everything you can toward this end by getting more liberal appropriation in the future.

Very truly,

CARL LEOPOLD.

RIDENOUR-BAKER GROCERY CO.,
Kansas City, Mo., May 22, 1912.

MR. JOSEPH T. ROBINSON,
Chairman Public Lands Committee, Washington, D. C.

DEAR SIR: I ask your careful consideration to the bill (H. R. 19857) which was introduced by Mr. Lever, of South Carolina. In the preparation of this bill the National Conservation Association has taken an active part. This means that it has

brought to bear all the knowledge which has been developed in recent years by a scientific study of conservation problems. No organization in this country commands the same abundance of skilled counsel, unselfishly and patriotically given, as the National Conservation Association, and its advice on all public questions of this character, namely, the conservation of the public grazing range, ought to have much weight.

Yours, truly,

J. C. LESTER.

THE CROSBY CO.,
Buffalo, N. Y., May 23, 1912.

HON. JOSEPH T. ROBINSON,
Chairman House Public Lands Committee, Washington, D. C.

DEAR SIR: There is now before your committee House bill No. 19857, designed to conserve the public-grazing range. As a member of the National Conservation Association, I am interested in its passage and urge your committee to report it favorably.

Yours, very truly,

WILLIAM H. HILL.

AMERICAN MISSIONARY ASSOCIATION,
New York, May 24, 1912.

HON. J. T. ROBINSON,
Chairman House Public Lands Committee, Washington, D. C.

DEAR SIR: I write to urge the passage of the bill (S. 3462) the purpose of which is to conserve the public-grazing range. It seems a very important matter to those of us who are looking forward to the future of our Nation and who desire to have such public utilities fairly open for the use of those who need them. The passage of this bill, if I understand it, will contribute to this important end.

Yours, respectfully,

C. J. RYDER.

COLORADO SPRINGS, COLO., May 25, 1912.

HON. JOSEPH T. ROBINSON,
Chairman House Public Lands Committee, Washington, D. C.

DEAR SIR: H. R. 19857, a bill to conserve the public-grazing range, should be promptly passed by Congress. It is an unquestioned fact that the overstocking of the range has resulted in making the range almost useless for any purpose. One of the greatest needs of the West is the regulation of public grazing so that the ranges will support the maximum number of cattle which can be adequately cared for.

Yours, very truly,

DUNBAR F. CARPENTER.

SAN FRANCISCO, CAL., May 24, 1912.

HON. JOSEPH T. ROBINSON,
House Public Lands Committee, Washington, D. C.

DEAR SIR: I would respectfully urge you to work for the passage of bill S. 3462, to conserve the public grazing range, or a similar bill, H. R. 19857, introduced by Mr. Lever, of South Carolina, public hearing of which is now being held before the House Public Land Committee.

Very respectfully, yours,

CHAS. W. FISHER.

LELAND STANFORD JUNIOR UNIVERSITY,
Stanford University, Cal., May 24, 1912.

HON. JOSEPH T. ROBINSON,
House of Representatives, Washington, D. C.

DEAR SIR: A bill (H. R. 19857) introduced by Mr. Lever for the preservation of public-grazing range seems to me an admirable one. I ask you to give it favorable attention.

Very truly, yours,

DAVID STARR JORDAN.

ST. LOUIS, MO., May 27, 1912.

THE HON. JOSEPH T. ROBINSON,
Chairman House Public Land Committee, Washington, D. C.

DEAR SIR: In regard to the bills (H. R. 19857 and S. 3462) for the conservation of public-grazing ranges permit me to say that meat prices are to-day 50 per cent higher than warranted by present economic conditions and the people are fully aware of it, although few know the correct underlying causes. People in general hope, however, that these prices may be made normal by some means.

However, if the grazing lands are allowed to go out of the control of the Government and cattle were to be fed by different methods, the present high prices would become justifiable and may even go higher.

For many wage earners the present prices are the limit, and the question would soon arise either to buy back this land or, like England, become dependent on other nations for our meat supply.

In the meantime we will be confronted by social disturbances and many expressions of dissatisfaction with the wasteful and unsystematic management of our Government.

As our Representatives in the House, I hope that you and the members of your committee will recommend and urge the support of these bills.

Respectfully, yours,

L. GUTMANN.

DAVENPORT, IOWA, May 23, 1912.

HON. JOSEPH P. ROBINSON,
Chairman House Public Lands Committee, Washington, D. C.

MY DEAR MR. ROBINSON: Pardon me for infringing on your time to the extent of asking, if agreeable to your views, to work and vote in favor of the passage of a bill (H. R. 19857) intended to conserve the public grazing range. I believe there is also a bill (S. 3462) for the same purpose in the Senate.

I am an owner of land in a number of States and a big ranch of 8,000 acres in the north part of Missouri and take deep interest in all of these conservation measures, including the public grazing range, as well as water rights, forests, and so on. I will not take up your time with an argument, as the arguments for conservation are well known, but merely want to express my view of the matter, hoping that it may have a little weight with you.

Yours, truly,

H. M. HENLEY.

WILMINGTON, N. C., May 23, 1912.

HON. JOSEPH T. ROBINSON,
Chairman Public Lands Committee, Washington, D. C.

DEAR SIR: I take the liberty of writing to say that I hope that the bill to conserve the public grazing range (H. R. 19857) introduced in the House by Mr. Lever, of South Carolina, will be favorably considered and passed. It seems to me that to conserve this and other sources of public wealth is one of the most important movements of our time.

Yours, very sincerely,

HUGH MACRAE.

DIAMOND CATTLE CO.,
 Carlisle, Pa., May 25, 1912.

HON. JOSEPH T. ROBINSON,
Chairman House Committee Public Lands, Washington, D. C.

MY DEAR SIR: I had called to my attention the bills now before Congress providing for leasing the Government grazing lands (S. 3462 and H. R. 19857). I feel very much interested in seeing one of these bills enacted into a law, and I therefore write to ask you to recognize that not only the conservation interests, but also the cattle-raising interests, are heartily in favor of enacting these laws and urge that you use every effort to push them through Congress.

Yours, very truly,

FRANK C. BOSLER.

I am also interested in seeing Mr. Warren's bill (S. 5692) favored, giving grazing lands to States for making roads.

TEXAS NURSERY CO.,
Sherman, Tex., May 25, 1912.

HON. J. T. ROBINSON,
Chairman House Public Lands Committee, Washington, D. C.

DEAR SIR: We have information regarding the National Conservation Association of a bill (H. R. 19857) which has been introduced into the House for consideration. We believe that this bill will be for the advantage of the people at large and hope that you will favor the passage of same.

Yours, very truly,

TEXAS NURSERY CO.,
 JNO. S. KERR,
Vice President.

THE UNIVERSITY OF KANSAS,
Lawrence, Kans., May 24, 1912.

HON. JOSEPH T. ROBINSON,
*Chairman House Public Lands Committee,
 House of Representatives, Washington, D. C.*

DEAR SIR: In considering H. R. 19857, the bill introduced by Mr. Lever, of South Carolina, for conserving the public grazing range, I wish to urge you to seek only for those means which will conserve the interests of the entire people of this country, regardless of any and every special interest. I am well aware of the great pressure which certain large interests can and do bring to bear in order to secure their desires, but the sole objective should be that which is best for the country as a whole.

I therefore ask you if you will actively support H. R. 19857? If not, please state in one sentence the most important objection so that I may consider the other side of the question.

Very truly, yours,

H. LOUIS JACKSON.

FIDELITY TRUST CO.,
Kansas City, Mo., May 23, 1912.

HON. JOSEPH T. ROBINSON,
Chairman House Public Lands Committee, Washington, D. C.

DEAR SIR: As a member of the National Conservation Association, my attention has been called to House bill 19858, introduced by Mr. Lever, of South Carolina.

This bill refers to the matter of the conservation of the public grazing range, and I will ask, if you can consistently do so, that you lend your support to its passage.

Yours, very respectfully,

W. F. COMSTOCK.

STATE LIVE STOCK SANITARY BOARD,
Harrisburg, Pa., May 31, 1912.

HON. JOSEPH T. ROBINSON,
Chairman House Public Lands Committee, Washington, D. C.

DEAR SIR: I trust that you can see your way clear to assist and vote for bill H. R. 19857, which aims to conserve the public grazing range.

Yours, sincerely,

C. J. MARSHALL, *State Veterinarian.*

BOSTON UNIVERSITY,
Boston, Mass., June 1, 1912.

HON. JOSEPH T. ROBINSON,
Chairman House Public Lands Committee, Washington, D. C.

DEAR SIR: I believe that public hearings are now being held, or will shortly be held, before the Public Lands Committee, relative to the Lever bill, which concerns the conserving of the public-grazing range. I trust that you will use your great influence favorably to this bill. I have been interested in conservation for many years, and my opinion of this bill is that it is an excellent one.

Yours, very truly,

NORTON A. KENT.

PARK COMMISSION,
Oakland, Cal., May 28, 1912.

HON. JOSEPH T. ROBINSON,
Chairman House Public Lands Committee, Washington, D. C.

DEAR SIR: I feel much interested in Senate bill No. 3462 and House bill No. 19857. We see the necessity more and more in this western country of the grazing lands being cared for through special attention and hope the bills mentioned may receive the earnest attention of Congress to the end sought.

Yours, very truly,

W. S. GOULD.

CHAS. F. O'BRIEN CO.,
Los Angeles, Cal., May 27, 1912.

HON. JOS. T. ROBINSON,
Chairman House Public Lands Committee, Washington, D. C.

DEAR SIR: I am greatly interested in the passage of H. R. 19857 or S. 3462, in relation to conserving the public-grazing range, and sincerely trust you will deem it good policy to aid in the passage of the bill. I have had considerable to do with lands in this State, and it seems to me there is a great necessity for conserving the public range.

I am, yours, very truly,

CHAS. F. O'BRIEN.

WILLIAMS BUILDING,
San Francisco, May 28, 1912.

HON. JOSEPH T. ROBINSON,
Chairman House Public Lands Committee.

DEAR SIR: As a member of the National Conservation Association and as a citizen of the country I am writing you to ask your influence and vote on the passage of bill S. 3462 to conserve the public-grazing range.

A similar bill (H. R. 19857) was introduced in the House by Mr. Lever, of South Carolina, and public hearings are now being held before the House Public Lands Committee.

Thanking you, I am, yours, truly,

THOMAS S. WILLIAMS.

THE RAY CHEMICAL CO.,
Detroit, Mich., May 31, 1912.

HON. JOSEPH T. ROBINSON,
Chairman House Public Lands Committee, Washington, D. C.

DEAR SIR: Having lived in the West, and knowing the importance of preserving public grazing lands, I wish to bespeak the favorable consideration of your committee on bill S. 3462 now before it.

There was never a time in the history of the country when the matter of stock feeding was of more importance to the general public than to-day, and this question of available public lands is especially important to the small stockman, who is still an important factor in the production of the public beef-food supplies.

Trusting I may count upon your influence in this measure, I remain,

Yours, very truly,

G. D. POPE.

[Telegram.]

DELTA, COLO., May 24, 1912.

JOSEPH T. ROBINSON, *Washington, D. C.*

No question as to the growing necessity of a law controlling the grazing of live stock on all public domain. Present methods impracticable, unprofitable, unbusinesslike, and a menace to the peace of Commonwealth. The sentiment of our people is that you urge Congress to act at once.

J. B. KILLIAN,
President Delta County Live Stock Association.

2249 COLLEGE AVENUE,
Berkeley, Cal., May 26, 1912.

HON. JOSEPH T. ROBINSON,
Chairman House Public Lands Committee, Washington.

MY DEAR SIR: As a member of the National Conservation Association, may I respectfully urge upon your committee the importance of the passage of the bill introduced by Mr. Lever, of South Carolina, H. R. 19857?

Very respectfully, yours,

GEORGE R. NOYES.

PENCE & SANFORD,
Kansas City, Mo., May 25, 1912.

HON. JOSEPH T. ROBINSON,
Chairman House Public Lands Committee, Washington, D. C.

MY DEAR SIR: There is a growing feeling that there is the same necessity for protecting the rights of the public in the public grazing range as there is in protecting the national forest reserves. Heretofore the public grazing range has been monopolized and used without regard to its future benefit to all the people, to whom it belongs. There is no greater statesmanship than that employed by protecting the rights of the public to what little remains of common or public property. The day of grabbing and seizing for private use that which belongs to the public has passed.

There is a strong sentiment in this part of Missouri, where we have been for many years near the public range, that the time has come for its conservation in the interest of all the people. I feel that I express the sentiment of nine-tenths of all the well-informed persons of this community when I urge upon your committee a favorable report upon H. R. 19857, introduced by Mr. Lever, of South Carolina. The movement which inspires that bill is one of the most beneficent in our history, and the public man who favors it will find himself in line with the best sentiment of the time.

Hoping that the hearing of this bill will result in its adoption, I remain,

Sincerely, yours,

CHAS. R. PENCE.

DINKELSPIEL, HART & DAVEY,
New Orleans, May 23, 1912.

HON. JOSEPH T. ROBINSON.

DEAR SIR: As a member of the National Conservation Association and as a citizen of the United States who believes it the duty of this country to preserve, as far as may be, its natural resources, I beg to request your careful consideration and support of House bill No. 19857, introduced by Mr. Lever, of South Carolina, to preserve the public grazing ranges, and hope that the bill may soon become a law.

Very truly, yours,

W. O. HART.

The committee thereupon proceeded to the consideration of executive business.

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